N. J., F. D. 24401–24500 Issued March 1936

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

24401–24500

[Approved by the Acting Secretary of Agriculture, Washington, D. C.]

24401. Adulteration of canned shrimp. U. S. v. 283 Cases of Canned Shrimp. Decree of condemnation. Product released under bond conditioned that decomposed portions be destroyed. (F. & D. no. 34428. Sample no. 2266–B.)

This case involved an interstate shipment of canned shrimp which was in part decomposed.

On November 22, 1934, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 283 cases of canned shrimp at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about October 3, 1934, by the Dorgan-McPhillips Packing Corporation, from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gulf Kist Brand Fancy Large Shrimp * * * Packed by Dorgan-McPhillips Packing Corp. Mobile, Ala."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On March 22, 1935, the Dorgan-McPhillips Packing Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portions be segregated and destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24402. Adulteration of apples. U. S. v. 528 Bushels and 1,376 Bushels of Apples. Decrees of condemnation. Product released under bond conditioned that deleterious substances be removed. (F. & D. nos. 34410, 34667. Sample nos. 2244–B, 2270–B, 2272–B, 2273–B, 2275–B, 2280–B.)

Examination of the apples involved in these cases showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On October 24 and November 21, 1934, the United States attorney for the Eastern District of Michigan, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,904 bushels of apples at Detroit, Mich., alleging that the article had been shipped in interstate commerce between the dates of September 28 and October 9, 1934, by W. R. MacClew, from Medina, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

In February 1935, the Frigid Food Products Co., Detroit, Mich., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the apples be released under bond conditioned that they be peeled to remove the deleterious substances.

M. L. Wilson, *Acting Secretary of Agriculture.*

24403. Adulteration of tomato puree. U. S. v. 501 Cans of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 34426. Sample no. 19751–B.)

This case involved an interstate shipment of tomato puree that contained excessive mold.

On November 26, 1934, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five hundred and one 5-gallon cans of tomato puree at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about October 22, 1934, by the Vienna Canning Co., from Vienna, Ind., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On February 19, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24404. Adulteration of canned tomato pulp. U. S. v. 350 Cans and 350 Cans of Tomato Pulp. Default decrees of condemnation and destruction. (F. & D. no. 34427. Sample nos. 19752–B, 19753–B).

These cases involved interstate shipments of tomato pulp that contained excessive mold.

On November 26, 1934, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of seven hundred 5-gallon cans of tomato pulp at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce, in part on or about September 21, 1934, and in part on a date unknown, by the Vallonia Canning Co., from Vallonia, Ind., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On April 18, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24405. Adulteration of canned mackerel. U. S. v. 193 Cases of Canned Mackerel. Default decree of condemnation and destruction. (F. & D. no. 34442. Sample no. 24115–B.)

This case involved an interstate shipment of canned mackerel which was in part decomposed.

On November 27, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 193 cases of canned mackerel at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 12, 1934, by the Coast Fishing Co., from Wilmington, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Eatwell Brand California Mackerel * * * Packed by French Sardine Co., Inc. Terminal Island California."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On February 13, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24406. Adulteration of ripe olives. U. S. v. 15 Half Barrels, et al., of Ripe Olives. Default decrees of condemnation and destruction. (F. & D. nos. 34444, 34445. Sample no. 17630–B.)

These cases involved an interstate shipment of ripe olives which were in part decomposed.

On November 28, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 35 half-barrels and 10 quarter-barrels of olives at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 19, 1934, by Alexander

B. Stewart from Stockton, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Olympic Olives Alexander B. Stewart Exeter, California."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On February 19, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24407. Misbranding of salad oil. U. S. v. 10 Gallon Cans, et al., of Salad Oil. Default decrees of condemnation. Product delivered to charitable institutions. (F. & D. nos. 34446, 34447, 34448, 34449, 34472. Sample nos. 21216-B to 21223-B incl.)

These cases involved interstate shipments of a product labeled to convey the impression that it was imported Italian olive oil. Examination showed that the product in most lots was essentially cottonseed oil; that one lot consisted of a mixture of cottonseed oil and another oil, probably corn oil, with little or no olive oil present; and that the remaining lot consisted of a mixture of cottonseed oil and another oil similar to sunflower oil.

On or about December 1 and December 6, 1934, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 161 cans of salad oil at Hartford, Conn., alleging that the article had been shipped in interstate commerce by the Moosalina Products Corporation, from Brooklyn, N. Y., in various shipments on or about May 21, September 15, and October 15, 1934, and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the following statements and designs borne on the labels were false and misleading and tended to deceive and mislead the purchaser since they created the impression that the article was Italian olive oil, whereas it was not; ("B" brand, statements on the label) "Olio Finissimo" and "Olio vegetale di primissima specialty indicato per salse frittura insalata e qualsiasi uso da tavola e cucina [the design of a foreign scene, and the dark green color of the main panels of the can suggestive of olives]"; (Mariannina brand, the statements) "Mariannina * * * Olio Per Insalata Qualita extrafina di olio vegetale per insalata e uso di cucina [and the design of a foreign scene with a woman in foreign costume in the foreground]"; (Palma brand, the statements on the label) "Olio Marca Palma", "E" composto dell' ottantacinque per cento, d'olio vegetale extrafino, quindici per cento, della migliore qualita' d'olio d'oliva importato, coll' aggiunta di colore innocuo", "The contents of olive oil in this can is imported from Italy", "L'olio d'oliva contenuto in questa latta e' importato dall' Italia [and the impression created by said statements was not corrected by the subsidiary statement on the label "Is composed of eighty-five per cent of the finest vegetable oil, fifteen per cent of the best imported olive oil" in view of the prominence given the terms "oil" and "olio"]"; (Tuscaniny brand, the statements on the label) "Oil Tuscaniny Brand", "Marca Tuscaniny", "Moosalina", "E' composto dell' ottantacinque per cento, d'olio domestico vegetale extra fino, quindici per cento, della migliore qualita' d'olio d'oliva importato"; (Cobo brand, the statements) "Oil Superfine", "Olio Sopraffino per insalata", "Qualita' extrafina di olio vegetale per fritture e cucinare", "Marca Cobo Specially indicato per salse, fritture, insalata e qualsiasi uso da tavola e cucina [and design of olive branches]." Misbranding of the Tuscaniny brand was alleged for the further reason that the statement, "is composed of eighty five per cent of the finest domestic vegetable oil", appearing on the label, was misleading and tended to deceive and mislead the purchaser since the words "domestic vegetable oil" is a term which would be applicable to California olive oil. Misbranding of the Cobo brand was alleged for the further reason that the statement on the label, "Extra Fine Vegetable Oil", was misleading and tended to mislead the purchaser, since the term may be applied to olive oil. Misbranding was alleged with respect to all lots for the further reason that the article purported to be a foreign product when not so.

On March 25, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be delivered to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

24408. Adulteration of canned shrimp. U. S. v. 99 Cases, et al., of Canned Shrimp. Decree of condemnation. Product released under bond. (F. & D. nos. 34462, 34463, 34464. Sample nos. 12545–B, 12547–B, 12548–B.)

This case involved an interstate shipment of canned shrimp which was in part decomposed.

On December 3, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 297 cases of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 22, 1934, by the J. H. Pelham Co., from Mobile, Ala., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sea-Fresh Brand Shrimp * * * Packed by The J. H. Pelham Co., Pascagoula, Miss."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On February 9, 1935, the J. H. Pelham Co., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it should not be disposed of contrary to the provisions of the Federal Food and Drugs Act.

M. L. Wilson, *Acting Secretary of Agriculture.*

24409. Adulteration of cold-pack strawberries. U. S. v. 12 Barrels of Cold-Pack Strawberries. Default decree of condemnation and destruction. (F. & D. no. 34526. Sample no. 17944–B.)

This case involved cold-pack strawberries which were in part moldy.

On December 7, 1934, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 barrels of cold-pack strawberries at Dover, Del., alleging that the article had been shipped in interstate commerce between May 31, 1934, and June 11, 1934, by John Dulany & Son, from Fruitland, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cold Pack Strawberries Packed by John Dulany & Son. Fruitland, Md. * * * Culls."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On April 1, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24410. Adulteration of figs. U. S. v. 1,008 Cases of Figs. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 34529. Sample no. 17269–B.)

This case involved an interstate shipment of figs which were in part wormy and moldy.

On December 7, 1934, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,008 boxes of figs at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about October 18, 1934, by G. Brucia, from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Adriatic White Figs * * * G. Brucia, San Francisco, Calif."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On January 12, 1935, G. Brucia, claimant, having admitted the allegations of the libel and having consented to condemnation of the property, judgment was entered ordering that the product be released under bond, conditioned that the insect-infested and otherwise unfit portions be segregated and destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24411. Misbranding of canned peas. U. S. v. 600 Cases and 997 Cases of Canned Peas. Consent decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 34530, 34531. Sample nos. 17267–B, 17268–B.)

These cases involved canned peas which were below the standard established by the Secretary of Agriculture, and which were not labeled to show that they were substandard.

On December 8, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cases of canned peas at New York, N. Y. On December 11, 1934, the United States attorney for the Eastern District of New York, filed a libel against 997 cases of canned peas at Brooklyn, N. Y. The libels alleged that the article had been shipped in interstate commerce in various shipments on or about November 17, 20, and 22, 1934, by the G. L. Webster Co., Inc., from Cheriton, Va., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Blue Dot Brand [or "Tower Hill Brand"] Early June Peas * * * Packed by G. L. Webster Company, Inc. Cheriton, Va."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because of the presence of an excessive percentage of ruptured peas, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On February 11, 1935, the G. L. Webster Co., Inc., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond, conditioned that the labels be removed from the cans and that new labels bearing the substandard legend be affixed thereto.

M. L. Wilson, *Acting Secretary of Agriculture.*

24412. Adulteration of apples. U. S. v. 25 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 34537. Sample no. 23498-B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On October 27, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 bushels of apples at Essex, Mo., alleging that the article had been shipped in interstate commerce on or about October 23, 1934, by O. C. Pruitt, from Cobden, Ill., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 4, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24413. Adulteration and misbranding of canned tomato paste. U. S. v. 460 Cases of Canned Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 34564. Sample no. 25550-B.)

This case involved an interstate shipment of canned tomato paste that was adulterated because of the presence of excessive mold. It was also misbranded since it was a product of domestic manufacture and was labeled to convey the impression that it was of foreign origin, and since it contained artificial color which was not plainly and conspicuously declared.

On December 14, 1934, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 460 cases of canned tomato paste at Wauwatosa, Wis., alleging that the article had been shipped in interstate commerce on or about October 18, 1934, by the Helen Packing Corporation, from North Collins, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ital-Ama Brand Tomato Paste with Sweet Basil Naples Style Made from Whole Tomatoes 6 Ozs. Net Salsa Di Pomidoro Con Basilico Uso-Napoli Packed by Helen Packing Corp. North Collins, N. Y. Pure Color Added."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

Misbranding was alleged in that the statements on the label, "Ital Ama", "Uso Napoli", and "Naples Style", were misleading and tended to deceive

and mislead the purchaser, since they suggested that the product was of foreign origin; whereas it was not, and this impression was not corrected by the statement on the side panel indicating the domestic source of the product. Misbranding was alleged for the further reason that the statements on the label, "Salsa Di Pomidoro", and "Tomato Paste", were false and misleading and tended to deceive and mislead the purchaser, when applied to tomato paste containing artificial color, and this misbranding was not corrected by the inconspicuous legend appearing in a vertical position on the side panel, "Pure Color Added."

On March 21, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24414. Adulteration of tomato puree and tomato pulp. U. S. v. 367 Cases of Tomato Puree, et al. Default decrees of condemnation and destruction. (F. & D. nos. 34939, 35027, 35045, 35064, 35219. Sample nos. 18275–B, 25484–B, 27964–B, 27970–B, 28000–B, 29121–B.)

These cases involved interstate shipments of tomato puree and tomato pulp that contained excessive mold.

On January 21, January 26, and March 6, 1935, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 452 cases of tomato puree and 114 cases of tomato pulp at St. Louis, Mo. On January 31, 1935, a libel was filed in the Northern District of Illinois against 47 cases of tomato puree at Chicago, Ill., and on February 4, 1935, a libel was filed in the Eastern District of Michigan against 674 cases of tomato puree at Detroit, Mich. The libels charged that the articles had been shipped in interstate commerce between the dates of September 10, 1934, and December 31, 1934, by the Everitt Packing Co., from Underwood, Ind., and that they were adulterated in violation of the Food and Drugs Act. The articles were labeled, variously: "Chic Brand Tomato Puree * * * Hensgen-Peters-Smith Co. Distributors St. Louis, Mo."; "Sail On Tomato Pulp * * * General Grocer Company, Distributors, St. Louis, Missouri"; "Ever-It Brand Tomato Puree * * * Packed by Everitt Packing Co. Underwood Indiana"; "De-Luxe Brand * * * Tomato Puree Lowell-Krekeler Grocer Co. Distributors St. Louis, Mo."

The articles were alleged to be adulterated in that they consisted wholly or in part of decomposed vegetable substances.

On February 14, March 1, March 26, March 28, and May 8, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24415. Misbranding of salad oil. U. S. v. 25 Cans of Salad Oil. Default decree of condemnation. Product delivered to charitable organization. (F. & D. no. 34581. Sample no. 21268–B.)

This case involved a product consisting of cottonseed oil and a small amount of olive oil which was labeled to convey the impression that it was Italian olive oil.

On or about December 21, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cans of salad oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about November 17, 1934, by Pietro Esposito & Bro., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Fine Oil La Gloriosa Brand * * * La Gloriosa Packing Co. P. E. & B. Inc. N. Y."

The article was alleged to be misbranded in that the following statements and designs appearing on the can label were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was Italian olive oil, whereas it consisted essentially of domestic cottonseed oil: "La Gloriosa", "Olio Finissimo * * * Premiato All' Esposizione Di Roma 1924 Italia", "Puro e delizioso olio composto dell' ottanta cinque per cento di scelto olio vegetale e quindici per cento di olio d'Oliva di Lucca", and "Garentisce il miglior risultato per tavola e cucina Italiana. Altamente raccomandato per frittura, insalata e salse all' Italiana [designs of a crown, olive branches and medal carrying the Italian national colors]." Misbranding was alleged

for the further reason that the statement on the label, "Pure And Delicious Oil Composed of Eighty Five Percent Choice Salad Oil and Fifteen Percent Lucca Olive Oil", was misleading and tended to deceive and mislead the purchaser because of the undue prominence given to the words "Lucca Olive Oil" (which legend also had the same prominence in this statement appearing in the Italian language); and also because the term "Salad Oil", which includes olive oil, did not sufficiently inform the purchaser of the presence of cottonseed oil. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so.

On March 11, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable organization.

M. L. Wilson, *Acting Secretary of Agriculture.*

24416. Adulteration of canned mackerel. U. S. v. 25 Cases, et al., of Canned Mackerel. Default decrees of condemnation and destruction. (F. & D. nos. 34595 to 34598, incl. Sample no. 22470-B.)

These cases involved shipments of canned mackerel which was in part decomposed.

On or about December 22, 1934, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 309 cases of canned mackerel in various lots at Carthage, Center, Marshall, and Jefferson, Tex., alleging that the article had been shipped in interstate commerce on or about October 30, 1934, by the Seaboard Packing Corporation, from Long Beach, Calif., to Shreveport, La., and from there reshipped into the State of Texas, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On February 13, March 15, and May 6, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24417. Adulteration of tomato catsup. U. S. v. 483 Cases, et al., of Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. nos. 34599, 34684, 34736, 34823, 34849. Sample nos. 25271-B, 25272-B, 27458-B, 27459-B, 27954-B.)

These cases involved interstate shipments of tomato catsup that contained excessive mold.

On January 5, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,174 cases of tomato catsup at Chicago Ill. On January 9, 1935, a libel was filed in the Eastern District of Missouri against 483 cases of the product at St. Louis, Mo., and on January 12 and 15, 1935, libels were filed in the Western District of Missouri against 261 cases at Kansas City, Mo. The libels alleged that the article had been shipped in interstate commerce between the dates of September 20, 1934, and November 30, 1934, by the Snider Packing Corporation, from Fairmount, Ind., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Snider Catsup * * * Snider Packing Corporation General Office Rochester, N. Y."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On March 7, March 21, and April 3, 1935, no claimant appearing, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24418. Adulteration of apples. U. S. v. 69 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 34666. Sample no. 27231-B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On or about November 16, 1934, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 bushels of apples at Concordia, Kans., alleging that the article had been shipped in interstate commerce on or about September 11, 1934, by the Cochrane Brokerage Co., from

Farmington, N. Mex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous ingredients, namely, arsenic and lead, which might have rendered it injurious to health.

On March 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24419. Adulteration of canned huckleberries. U. S. v. 20 Cartons, et al., of Canned Huckleberries. Default decrees of condemnation and destruction. (F. & D. nos. 34681, 35267, 35430. Sample nos. 20041–B, 26335–B, 26489–B, 26492–B, 26495–B.)

These cases involved canned huckleberries which contained worms.

On January 14, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cartons of canned huckleberries at Philadelphia, Pa. On March 14, and April 26, 1935, libels were filed against 450 cases of canned huckleberries at San Francisco, Calif., and 38 cases at La Grande, Oreg. The libels charged that the article had been shipped in interstate commerce on or about October 11 and December 4, 1934, and February 28, 1935, by the Washington Berry Growers Packing Corporation, of Sumner, Wash., in various shipments from Sumner, Seattle, and Tacoma, Wash., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled, variously: "Inavale Brande Water Pack Huckleberries * * * Packed by Washington Berry Growers Packing Corporation Sumner, Washington. Charmed Land Brand Huckleberries. Packed by Puyallup and Sumner Fruit Growers Ass'n., Puyallup, Washington. H M Hi Man Pastry Huckleberries * * * Louis T. Snow & Co., San Francisco, Calif. Distributors."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On February 13, April 10, and June 25, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24420. Adulteration of tomato catsup. U. S. v. 149 Cases, et al., of Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. nos. 34690, 34820, 35039, 35044, 35046, 35066, 35121, 35209, 35216, 35217, 35273, 35319 Sample nos. 13568–B, 13569–B, 13570–B, 13571–B, 13572–B, 18274–B, 27467–B, 27468–B, 27953–B, 29301–B, 29302–B, 29306–B, 29307–B, 29308–B, 31810–B, 31811–B, 31812–B, 31815–B.)

These cases involved tomato catsup that contained excessive mold.

On January 3 and January 12, 1935, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 520 cases of tomato catsup at St. Louis, Mo. On January 30, February 1, February 7, and February 8, 1935, libels were filed in the Western District of Missouri against a total of 1,741 cases of tomato catsup at Kansas City, Mo.; and on March 2, March 5, April 3, and April 9, 1935, libels were filed in the Northern District of Illinois against a total of 2,112 cases of the same product at Chicago, Ill. The libels charged that the article had been shipped in interstate commerce between the dates of September 19, 1934, and January 29, 1935, by the Frazier Packing Corporation, from Elwood, Ind., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled, variously: "Frazier's Tomato Catsup * * * Prepared by Frazier Packing Corp. Elwood, Indiana"; "Maple Leaf Brand Tomato Catsup * * * Packed for Ryley-Wilson Grocer Co. Kansas City, U. S. A."; "The Good Kind Tomato Catsup * * * Steele-Wedeles Company Distributors, Chicago, Ill."; "White Bear Brand * * * Distributed by Durand-McNeil-Horner Co. Chicago, Ill."; "Clover Hill Brand * * * Distributed by Durand-McNeil-Horner Co. Chicago, Ill."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On February 14, May 6, May 16, May 24, and August 24, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24421. Adulteration of dried apricots. U. S. v. 10 Boxes of Dried Apricots. Default decree of condemnation and destruction. (F. & D. no. 34737. Sample no. 26340-B.)

This case involved dried apricots which were in part decomposed, dirty, and insect-infested.

On January 8, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 boxes of dried apricots at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about December 11, 1934, by the George Abeling Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "California Whole Apricots—Prepared with Sulphur Dioxide—George Abeling Company, San Francisco, Calif."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On March 21, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24422. Adulteration of canned peaches. U. S. v. 99 Cases of Canned Peaches. Default decree of condemnation and destruction. (F. & D. no. 34740. Sample no. 27834-B.)

This case involved a shipment of canned peaches which were in part wormy and worm-eaten.

On January 8, 1935, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cases of canned peaches at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about July 24, 1934, by Roberts Bros., Inc., from Americus, Ga., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Indian Hunter Brand Peaches * * * distributed by Roberts Brothers, Inc., main office Baltimore, Md."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 14, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24423. Adulteration of potatoes. U. S. v. 360 Sacks of Potatoes. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 34788. Sample no. 9376-B.

This case involved a shipment of potatoes which were in part hollow and affected with dry rot.

On November 21, 1934, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 sacks of potatoes at Vermillion, S. Dak., alleging that the article had been shipped in interstate commerce on or about November 17, 1934, by R. L. Higgens & Co., from Minneapolis, Minn., and charging adulteration in violation of the Food and Drugs Act.

The libel charged that the potatoes were adulterated in that they were in part hollow and affected with dry rot.

On December 31, 1934, M. C. Ragatz & Son Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the decomposed portion be removed and destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24424. Adulteration of butter. U. S. v. 3 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 34790. Sample no. 27506-B.)

This case involved a shipment of butter which contained less than 80 percent of milk fat.

On December 19, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three tubs of butter at Baltimore, Md., alleging that the article had been shipped in interstate com-

merce on or about December 11, 1934, by Potomac Valley Creamery, from Franklin, W. Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On February 18, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24425. Adulteration of apples. U. S. v. 4,164 Bushels of Apples. Decree of condemnation. Product released under bond for removal of deleterious substances. (F. & D. no. 34796. Sample nos. 2282–B, 2284–B to 2287–B incl., 2299–B, 2300–B, 25101–B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On December 4, 1934, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4,164 bushels of apples at Detroit, Mich., alleging that the article had been shipped in interstate commerce in various consignments between the dates of October 15 and October 19, 1934, by Meyer Brooks, from Grafton, Ill., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

On February 19, 1935, the Pie Bakeries of Michigan, Detroit, Mich., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the deleterious substances be removed by peeling under the supervision of this Department.

M. L. Wilson, *Acting Secretary of Agriculture.*

24426. Adulteration of apples. U. S. v. 143 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 34798. Sample no. 13525–B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On October 23, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 143 bushels of apples at Gary, Ind., alleging that the article had been shipped in interstate commerce on or about October 19, 1934, by John Serbu, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Sam Braudo R–3 Benton Harbor Mich."

The apples were alleged to be adulterated in that they contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered them injurious to health.

On March 20, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson. *Acting Secretary of Agriculture.*

24427. Adulteration of apples. U. S. v. 23 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 34801. Sample no. 18499–B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On November 5, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 bushels of apples at Hammond, Ind., alleging that the article had been shipped in interstate commerce on or about October 30, 1934, by Paul Pewowar, from Hartford, Mich., and charging adulteration in violation of the Food and Drugs Act.

The apples were alleged to be adulterated in that they contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered them harmful to health.

On March 20, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24428. Adulteration of apples. U. S. v. 22 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 34802. Sample no. 25815–B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On October 29, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 bushels of apples at Hammond, Ind., alleging that the article had been shipped in interstate commerce on or about October 23, 1934, by the Hammond Fruit Co., from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Grown and packed by A. C. Hussey, Coloma, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On March 20, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24429. Misbranding of dairy feed. U. S. v. 159 Sacks of Dairy Feed. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 34822. Sample no. 9676–B.)

This case involved a shipment of dairy feed that contained less protein and more fiber than declared on the label.

On January 15, 1935, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 159 sacks of dairy feed at Beaver Dam, Wis., alleging that the article had been shipped in interstate commerce on or about August 31, 1934, by the Vitality Mills, Inc., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sweet Honey Bee Dairy Feed Guaranteed Analysis Protein 16% Fibre 12% * * * Manufactured by Vitality Mills, Inc., Chicago, Ill."

The article was alleged to be misbranded in that the statement, "Guaranteed Analysis Protein 16% Fibre 12%", borne on the label, was false and misleading and deceived and misled the purchaser when applied to a product containing less protein and more fiber than so declared.

On February 4, 1935, the Vitality Mills, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

24430. Adulteration of tomato paste. U. S. v. 637 Cartons of Tomato Paste. Decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 34824. Sample nos. 15639–B, 24021–B, 24032–B.)

This case involved canned tomato paste which was in part decomposed.

On January 12, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 637 cartons of tomato paste at Philadelphia, Pa., consigned by the Harbor City Food Corporation, alleging that the article had been shipped in interstate commerce on or about October 29, 1934, from Harbor City, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Il Primo Brand Tomato Paste * * * Packed for Swinger & Binenstock, Philadelphia, Pa."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On February 6, 1935, Paolo Alonge & Bro., Brooklyn, N. Y., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the decomposed portions be segregated and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24431. Adulteration of canned prunes. U. S. v. 200 Cases of Canned Prunes. Default decree of condemnation and destruction. (F. & D. no. 34848. Sample no. 20449–B.)

This case involved canned prunes that were in part decomposed and moldy

On January 15, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of canned prunes at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 6, 1934, by Paulus Bros. Packing Co., of Salem, Oreg., from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Epicure Brand Fresh Purple Prunes * * * Sunglo-Sills Co. Distributors New York."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On February 27, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24432. Adulteration of apples. U. S. v. 100 Crates and 30 Crates of Apples. Default decree of condemnation and destruction. (F. & D. no. 34884. Sample nos. 24765–B, 24766–B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts which might have rendered them injurious to health.

On November 5, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 130 crates of apples at Hammond, Ind., alleging that the article had been shipped in interstate commerce October 31, 1934, by the Berrien County Produce Co., from Saugatuck, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On March 20, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24433. Adulteration of apples. U. S. v. 49 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 34885. Sample no. 18476–B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On October 30, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 bushels of apples at Gary, Ind., and alleging that the article had been shipped in interstate commerce on or about October 25, 1934, by the National Produce Co., from Coloma, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "George Kniebes R 2 Coloma Mich Jonathan."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On March 20, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24434. Adulteration of tomato puree. U. S. v. 24 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 34905. Sample no. 20575–B.)

This case involved canned tomato puree that contained excessive mold.

On January 17, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 24 cases of tomato puree at Greensburg, Pa., alleging that the article had been shipped in interstate commerce on or about December 6, 1934, by the Brocton Preserving Co., Inc., from Brocton, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fairview Tomato Puree * * * Packed by Brocton Preserving Co. Brocton, N. Y."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On March 30, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24435. Adulteration of frozen eggs. U. S. v. 800 Cans of Frozen Eggs. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 34938. Sample no. 7393–B.)

This case involved frozen whole eggs which were in part decomposed.

On January 21, 1935, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 800 cans of frozen whole eggs at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about December 21, 1934, by the Emulsol Corporation, from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Emulsol M (Frozen Whole Egg)."

The article was alleged to be adulterated in that it consisted in whole or in part of decomposed eggs.

On February 20, 1935, the Emulsol Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the decomposed portion be segregated and destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24436. Adulteration of tomato paste. U. S. v. 19 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 34940. Sample no. 20798–B.)

This case involved a shipment of tomato paste that contained excessive mold.

On January 21, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases of canned tomato paste at Altoona, Pa., alleging that the article had been shipped in interstate commerce on or about November 15, 1934, by the Gervas Canning Co., from Forestville, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Tasty Brand Tomato Paste * * * packed by Stanley Packing Company, Inc., Forestville, N. Y."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On February 27, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24437. Adulteration of butter. U. S. v. 17 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 34962. Sample no. 25155–B.)

This case involved a shipment of butter that contained filth.

On December 21, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 8, 1934, by John Morrell, from Sioux Falls, S. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On February 16, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24438. Adulteration of cauliflower. U. S. v. 8 Crates of Cauliflower. Default decree of condemnation and destruction. (F. & D. no. 34963. Sample no. 1971–B.)

Examination of the cauliflower involved in this case showed the presence of arsenic and lead in amounts that might have rendered it injurious to health.

On December 21, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight crates of cauliflower at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 30, 1934, by P. Ehrlich, from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sylvia Brand P. Ehrlich Los Angeles, Calif."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

On February 16, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24439. Adulteration of spinach. U. S. v. 864 Baskets of Spinach. Default decree of condemnation and destruction. (F. & D. no. 34990. Sample no. 11187–B.)

This case involved a shipment of spinach that was worm-infested and decomposed.

On January 23, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 864 baskets of spinach at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 7, 1935, by Ritchie Bros., from Eagle Pass, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ritchie Volume One Bushel."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On February 13, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24440. Adulteration of tomato puree. U. S. v. 183 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 34991. Sample no. 19775–B.)

This case involved a shipment of tomato puree that contained excessive mold.

On January 24, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 183 cases of tomato puree at Cincinnati, Ohio, shipped on or about August 11, 1934, alleging that the article had been shipped in interstate commerce by the Morgan Packing Co., from Austin, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Scott Brand Tomato Puree * * * Morgan Packing Co. Austin, Indiana."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On February 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24441. Misbranding of salad oil. U. S. v. 17 Cans, et al., of Salad Oil. Decrees of condemnation. Portion of product destroyed. Remainder released under bond to be relabeled. (F. & D. nos. 35004, 35005, 35006. Sample nos. 4530–B, 4531–B, 4532–B.)

These cases involved a product consisting principally of cottonseed oil which was labeled to convey the impression that it was Italian olive oil. The label failed to bear a plain and conspicuous statement of the quantity of the contents.

On January 25, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of 108 gallon cans of salad oil at Washington, D. C. The

libels charged that a portion of the article had been shipped on or about September 5, 1934, from Trenton, N. J., into the District of Columbia by the Italian Food Products Corporation of America; that the remainder was being offered for sale and sold in the District of Columbia in possession of Caruso, Inc., and Niosi & Co., of Washington, D. C.; and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Olio Doppia Stella * * * Packed by Italian Food Products Corp. of America Trenton, U. S. A. Palermo, Italy."

The article was alleged to be misbranded in that the following statements on the labels "Olio Doppia Stella La Doppia Stella * * * Olio Da Tavola E Per Uso Cucina Extra Puro Qualita Insuperabile", "Double Star Brand is the highest grade of oil combining all * * * qualities of olive oil * * * Packed by Italian Food Products Corp. of America * * * Palermo, Italy", and "La Doppia Stella * * * E' il migliore Olio Esistente Che Piu S'Avvicina Alle Caratteristi Che Fisiche E Nu Trienti Dell' Olio D'Oliva, Impaccato E Confezionato Sotto Le Migliori Condizioni Igieniche", were misleading and tended to deceive and mislead the purchaser since they created the impression that the article was imported Italian olive oil; whereas it was domestic cottonseed oil containing little or no olive oil, and this impression was not corrected by the statement at the bottom of the main panels, "A Blend Finest Vegetable Oil With Pure Olive Oil", since the term "Vegetable Oil" may include olive oil. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement, "Contents 1 Gallon More or Less", was not in proper form.

On March 11, 1935, the Italian Food Products Corporation of America, Inc., having appeared as claimant for 83 cans of the product, judgment of condemnation was entered and it was ordered that the said 83 cans be released to the claimant under bond, conditioned that it be relabeled under the supervision of this Department. On March 12, 1935, no claimant having appeared for the remaining lots, judgments of condemnation were entered and it was ordered that they be disposed of in such manner as would not violate the Federal Food and Drugs Act. The unclaimed lots were destroyed by the United States marshal.

M. L. Wilson, *Acting Secretary of Agriculture.*

24442. Adulteration of tomato puree. U. S. v. 172 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35024. Sample no. 27951–B.)

This case involved tomato puree that contained excessive mold.

On January 25, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 172 cases of tomato puree at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about December 8, 1934, by the Wabash Valley Canning Co., Inc., from Attica, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Wabash Valley Brand Tomato Puree * * * Packed by Wabash Valley Canning Co. Attica, Indiana."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On March 12, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24443. Adulteration of prunes. U. S. v. 75 Cases of Prunes. Default decree of condemnation and destruction. (F. & D. no. 35029. Sample no. 11938–B.)

This case involved a shipment of prunes which were found to be insect-infested.

On January 29, 1935, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 cases of prunes at Provo, Utah, alleging that the article had been shipped in interstate commerce on or about July 11, 1934, by the Sunland Sales Cooperative Association, from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act. The

article was labeled in part: "Sunsweet Nature Flavored Tree Ripened Prunes, * * * California Prune and Apricot Growers Association, San Jose, Calif."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 27, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24444. Adulteration and misbranding of tomato paste. U. S. v. 10 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 35030. Sample no. 21570–B.)

This case involved canned tomato paste that contained excessive mold and which was colored with artificial color which was not conspicuously declared on the label.

On or about January 30, 1935, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of tomato paste at Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about November 26, 1934, by the Brocton Preserving Co., from Brocton, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Fedora Italian Style Tomato Paste * * * Salsa Pura Di Pomidoro Harmless Color Added Packed by Brocton Preserving Co. Brocton, New York."

The article was alleged to be adulterated in that it was colored in a manner whereby inferiority was concealed, and in that it consisted wholly or in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statements, "Tomato Paste" and "Salsa Pura Di Pomidoro", were false and misleading and tended to deceive and mislead the purchaser when applied to artificially colored tomato paste, and this misbranding was not corrected by the inconspicuous vertical declaration, "Harmless Color Added", appearing on one side panel of the label.

On April 30, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24445. Adulteration of canned mackerel. U. S. v. 23 Cases of Canned Mackerel. Default decree of condemnation and destruction. (F. & D. no. 35031. Sample no. 12783–B.)

This case involved canned mackerel that was in part decomposed.

On February 6, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cases of canned mackerel at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about January 17, 1935, by Howard Terminal, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Best Ever Brand Prime Catch Fresh Mackerel * * * Certified Sea Foods Corp., San Francisco, Distributors."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On March 11, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24446. Adulteration of canned shrimp. U. S. v. 213 Cases and 531 Cases of Canned Shrimp. Consent decree of condemnation. Product released under bond, conditioned that decomposed portion be segregated and destroyed. (F. & D. no. 35032. Sample nos. 29272–B, 29273–B.)

This case involved a shipment of canned shrimp which was in part decomposed.

On or about February 5, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court 744 cases of canned shrimp at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 4, 1934, by the J. H. Pelham Co., from Pascagoula, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part:

"Se-Kist Brand Fancy Medium Shrimp * * * Packed by The J. H. Pelham Co. Pascagoula, Miss."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On February 26, 1935, the J. H. Pelham Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the decomposed portion be segregated and destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24447. Adulteration of canned tomato puree. U. S. v. 671 Cases of Canned Tomato Puree. (F. & D. no. 35038. Sample no. 27978–B.)

This case involved a shipment of canned tomato puree that contained excessive mold.

On January 30, 1935, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 671 cases of canned tomato puree at Collinsville, Ill., alleging that the article had been shipped in interstate commerce in various lots on or about August 28, September 22, and October 6, 1934, by the Owensboro Preserving & Canning Co., from Owensboro, Ky., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On March 6, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24448. Adulteration of tomato puree. U. S. v. 150 Cans of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35043. Sample no. 27976–B.)

This case involved canned tomato puree that contained excessive mold.

On January 30, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one hundred fifty 5-gallon cans of tomato puree at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 26, 1934, by the M & R Canning Co., from Owensboro, Ky., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On March 14, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24449. Adulteration of frozen eggs. U. S. v. 400 Cans and 56 Cans of Frozen Eggs. Consent decree of condemnation. Product released under bond, conditioned that decomposed portion be destroyed or denatured. (F. & D. nos. 35048, 35049. Sample no. 7394–B.)

These cases involved frozen eggs which were in part decomposed.

On January 31, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 456 cans of frozen eggs at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about August 13, 1934, by the Monark Poultry & Egg Co., from Kansas City, Mo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On March 6, 1935, the cases having been consolidated into one cause of action, and the Manhattan Egg Co., New York., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the decomposed portions be segregated and destroyed or denatured.

M. L. Wilson, *Acting Secretary of Agriculture.*

24450. Adulteration of tomato puree. U. S. v. 149 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 34741. Sample no. 18273–B.)

This case involved a shipment of canned tomato puree that contained excessive mold.

On January 8, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 149 cases of tomato puree at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about December 8, 1934, by the [Wabash] Valley Canning Co., Inc., from Attica, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chic Brand Tomato Puree * * * Hensgen-Peters-Smith Co. Distributors, St. Louis, Mo."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On February 11, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24451. Adulteration of frozen whole eggs. U. S. v. 380 Cans of Frozen Whole Eggs. Decree of condemnation. Product released under bond, conditioned that decomposed portion be denatured or destroyed. (F. & D. no. 35058. Sample no. 20684–B.)

This case involved a shipment of frozen whole eggs which were in part decomposed.

On February 2, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 380 cans of frozen whole eggs at Buffalo, N. Y., consigned by the Litchfield Produce Co., alleging that the article had been shipped in interstate commerce on or about July 7, 1934, from Litchfield, Mo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On February 27, 1935, Swift & Co., Chicago, Ill., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the decomposed portion be segregated and denatured or destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24452. Adulteration of tomato puree. U. S. v. 399 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35059. Sample no. 27980–D.)

This case involved canned tomato puree that contained excessive mold.

On February 4, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 399 cases of tomato puree at Cape Girardeau, Mo., alleging that the article had been shipped in interstate commerce on or about September 29, 1934, by the G. S. Suppiger Co., from Collinsville, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Crystal Springs Brand Tomato Puree * * * Packed by Henryville Canning Co., Inc. Henryville, Ind."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On March 23, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24453. Adulteration of tomato puree. U. S. v. 99 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35063. Sample no. 23935–B.)

This case involved canned tomato puree that contained excessive mold.

On February 7, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cases of tomato puree at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about January 12, 1935, by the Minster Canneries,

from Minster, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "V and H Fancy Whole Tomato Puree * * * Packed by Minster Canneries, Inc., Minster, O."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On March 30, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24454. Misbranding of canned peas. U. S. v. 366 Cases of Canned Peas. Consent decree of forfeiture. Product released under bond to be relabeled. (F. & D. no. 35065. Sample no. 19816–B.)

This case involved a shipment of canned peas which were represented to consist of small peas but which consisted of a mixture of large and small peas. The article also fell below the standard established by this Department for canned peas, and was not labeled to indicate that it was substandard.

On February 7, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 366 cases of canned peas at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about December 10, 1934, by the Clyman Canning Co., from Hartford, Wis. (packer, Brownsville Canning Co., Brownsville, Wis.), and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Sunshine Brand Very Small Peas * * * Distributed by The Flach Bros. Grocery Co. Cincinnati, Ohio."

The article was alleged to be misbranded in that the statement on the label, "Very Small Peas", was false and misleading and tended to deceive and mislead the purchaser when applied to a product which was a mixture of large and small peas. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because it was not normally flavored, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On March 5, 1935, the Hustisford Canning Co., Hustisford, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of forfeiture was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

M. L. Wilson, *Acting Secretary of Agriculture.*

24455. Adulteration of apples. U. S. v. 135 Bushels and 100 Bushels of Apples. Default decrees of condemnation and destruction. (F. & D. nos. 35073, 35093. Sample nos. 29237–B, 29262–B.)

Examination of the apples involved in these cases showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On December 22, 1934, and January 3, 1935, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 235 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 11 and October 12, 1934, by W. E. Daly, in part from Benton Harbor and in part from Riverside, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "W. E. Daly, Riverside, Mich. N. W. Greening."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

On February 16, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24456. Adulteration of tomato catsup. U. S. v. 387 Cases, et al., of Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. nos. 35068, 35071, 35134. Sample nos. 25481–B, 25483–B, 29084–B.)

These cases involved tomato catsup that contained excessive mold.

On February 9, 1935, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in

the district court a libel praying seizure and condemnation of 387 cases of tomato catsup at Milwaukee, Wis. On February 8 and February 12, 1935, libels were filed in the Northern District of Illinois against 120 cases of tomato catsup at Chicago, Ill. It was alleged in the libels that the article had been shipped in interstate commerce in various lots on or about September 7, September 15, 1934, and January 7, 1935, by the Morgan Packing Co., from Austin, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled, variously: "Columbus Brand Tomato Catsup Columbus Packing Co. Columbus, Ind."; "Eifel Brand Tomato Catsup * * * Packed for See & Company Chicago, Ill."; "Oh-Boy Brand Tomato Catsup * * * Distributed by Karasik Brothers Co. Chicago, Ill."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On March 21, March 26, and March 27, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24457. Adulteration of butter. U. S. v. 45 Pounds of Butter. Default decree of condemnation and destruction. (F. & D. no. 35104. Sample no. 4783–B.)

This case involved a shipment of butter that contained rodent, cow, and human hairs, and nondescript dirt.

On January 14, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 pounds of butter at Baltimore, Md., consigned by the Porter Produce Co., alleging that the article had been shipped in interstate commerce on or about January 7, 1935, from Johnson City, Tenn., into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From Porter Produce Company * * * Johnson City, Tennessee."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On March 4, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24458. Adulteration of spinach. U. S. v. 864 Baskets of Spinach. Default decree of condemnation and destruction. (F. & D. no. 35069. Sample no. 8635–B.)

This case involved a shipment of spinach which was worm-infested.

On February 6, 1935, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 864 baskets of spinach at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about January 14, 1935, by the R. V. Dublin Co., from Laredo, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On March 28, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24459. Adulteration of tomato puree. U. S. v. 176 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35113. Sample no. 25161–B.)

This case involved an interstate shipment of canned tomato puree that contained excessive mold.

On February 9, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 176 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 8, 1934, by the Butterfield Canning Co., from Muncie, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Monarch Tomato Puree * * * Reid, Murdoch and Company Distributors, Chicago, Illinois."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On March 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24460. Adulteration of tomato catchup. U. S. v. 9 Cases of Tomato Catchup. Consent decree of condemnation and destruction. (F. & D. no. 35138. Sample no. 26178–B.)

This case involved tomato catchup that contained fragments of the bodies of worms and insects, small insects, and hair.

On February 18, 1935, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases of tomato catchup at Cheyenne, Wyo., alleging that the article had been shipped in interstate commerce on or about October 20, 1934, by Libby, McNeill & Libby, from Manzanola, Colo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Rose-Dale Brand Tomato Catchup * * * Packed by Libby McNeill and Libby Chicago."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On March 28, 1935, Libby, McNeill & Libby, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24461. Adulteration of apples. U. S. v. 579 Boxes of Apples. Consent decree of condemnation. Product released under bond. (F. & D. no. 35180. Sample no. 357–B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On February 11, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 579 boxes of apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 31, 1935, by the J. C. Palumbo Fruit Co., from Payette, Idaho, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On February 13, 1935, the Continental Orchards, Inc., Los Angeles, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it should not be sold or disposed of in violation of the Federal Food and Drugs Act and all other laws.

M. L. Wilson, *Acting Secretary of Agriculture.*

24462. Adulteration of concentrated strained tomatoes. U. S. v. 208 Cases of Concentrated Strained Tomatoes. Default decree of condemnation and destruction. (F. & D. no. 35205. Sample no. 24269–B.)

This case involved an interstate shipment of concentrated strained tomatoes that contained excessive mold.

On February 28, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 208 cases of concentrated strained tomatoes at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 13 and October 3, 1934, by W. H. Neal & Sons, Inc., from Hurlock, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sun-Lite Concentrated Strained Tomatoes."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On March 28, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24463. Adulteration of butter. U. S. v. 47 Barrels of Butter. Consent decree of condemnation. Product released under bond conditioned that it be denatured. (F. & D. no. 32620. Sample no. 67210–A.)

This case involved an interstate shipment of butter which was found to contain flies, spiders, and other insects; maggots; rodent and human hairs; mold; and miscellaneous filth.

On February 24, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 47 barrels of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 25, 1933, by the Cloverleaf Butter Co., of Birmingham, Ala., from Charleston, S. C., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Cloverleaf Butter Co. * * * Birmingham, Ala."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On March 6, 1935, the Cloverleaf Butter Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released to the claimant under bond conditioned that it be denatured and converted into soap grease.

M. L. Wilson, *Acting Secretary of Agriculture.*

24464. Adulteration of canned shrimp. U. S. v. 7 Cases and 6 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 33697. Sample nos. 6394–B, 6395–B.)

This case involved interstate shipments of canned shrimp which was in part decomposed.

On October 18, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cases of canned shrimp at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce on or about September 5 and September 12, 1934, by the Nassau Packing Co., from Jacksonville, Fla., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Florida Chief Brand Nassau Shrimp * * * Packed by The Nassau Packing Co. S. S. Goffin Jacksonville, Fla." The remainder was labeled: "St. Johns Brand Fresh Shrimp * * * The Nassau Sound Packing Co. Nassauville, Fla."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On February 18, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24465. Misbranding of canned tomatoes. U. S. v. 1,000 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond. (F. & D. no. 35295. Sample no. 28140–B.)

This case involved an interstate shipment of canned tomatoes which fell below the standard established by this Department, and which were not labeled to show that they were substandard.

On March 22, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,000 cases of canned tomatoes at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about February 8, 1935, by the Fettig Canning Co., from Elwood, Ind., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Mary's Choice Brand Extra Standard Tomatoes * * * Packed by Fettig Canning Co. Elwood, Ind."

The article was alleged to be misbranded in that the statement "Extra Standard", borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since the product was not extra standard, but was substandard. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because it was not whole or in large pieces as evidenced by low drained weight, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On March 28, 1935, the Fettig Canning Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

24466. Adulteration of frozen shrimp. U. S. v. 350 Blocks of Frozen Shrimp. Consent decree of condemnation. Product released under bond conditioned that decomposed portion be destroyed or denatured. (F. & D. no. 35321. Sample no. 21668–B.)

This case involved an interstate shipment of frozen shrimp which was in part decomposed.

On March 14, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three hundred and fifty 10-pound blocks of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 23, 1935, by John Santos, from St. Augustine, Fla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On March 22, 1935, the Galilee Fish Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the decomposed portion be destroyed or denatured.

M. L. WILSON, *Acting Secretary of Agriculture.*

24467. Adulteration of frozen shrimp. U. S. v. 21 Boxes of Frozen Shrimp. Default decree of condemnation and destruction. (F. & D. no. 35326. Sample no. 21667–B.)

This case involved an interstate shipment of frozen shrimp which was in whole or in part decomposed.

On March 8, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 boxes of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 9, 1935, by the Lone Star Fish & Oyster Co., from Corpus Christi, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On March 27, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24468. Adulteration of frozen shrimp. U. S. v. 545 Blocks of Frozen Shrimp. Consent decree of condemnation. Product released under bond conditioned that decomposed portion be destroyed or denatured. (F. & D. no. 35327. Sample no. 21669–B.)

This case involved an interstate shipment of frozen shrimp which was in part decomposed.

On March 12, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five hundred forty-five 10-pound blocks of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 19, 1934, by the Imperial Fish Co., from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed substance.

On April 1, 1935, the Imperial Fish Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be destroyed or denatured.

M. L. WILSON, *Acting Secretary of Agriculture.*

24469. Adulteration of cheese. U. S. v. 48 Cans, et al., of Cheese. Default decree of condemnation and destruction. (F. & D. no. 35231. Sample nos. 26011–B, 26012–B, 26013–B.)

This case involved alleged cream cheese which was found to contain mineral oil.

On March 8, 1935, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 cans and 31 packages of alleged cream cheese at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about February 27, 1935, by the Fellsway Cheese Co., Inc., from Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled, variously: "Ricotta F. [or "Scamozze F." or Muzzarilli"] Italian Cream Cheese."

The article was alleged to be adulterated in that a product containing mineral oil had been substituted for cheese, which the article purported to be.

On March 29, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24470. Adulteration of frozen shrimp. U. S. v. 43 Blocks of Frozen Shrimp. Default decree of condemnation and destruction. (F. &. D. no. 35322. Sample no. 21702–B.)

This case involved a shipment of frozen shrimp which was wholly or in part decomposed.

On March 22, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 blocks, 10 pounds each, of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 3, 1934, by Fodale Bros., from Southport, N. C., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On April 25, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24471. Adulteration and misbranding of grape jelly. U. S. v. 100 Cases of Grape Jelly. Default decree of condemnation and destruction. (F. & D. no. 31860. Sample no. 52121–A.)

This case involved grape jelly which was deficient in fruit and contained an added pectinous solution and added acid.

On January 18, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of grape jelly at Paterson, N. J., alleging that the article had been shipped in interstate commerce on or about November 1, 1933, by Sambo Dairy Products, Inc., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Blue Bell Pure Grape Jelly * * * Sambo Dairy Products, Inc. Brooklyn, N. Y."

The article was alleged to be adulterated in that a mixture of fruit, sugar, pectinous solution, and acid containing less fruit than is contained in jelly, had been substituted for "Pure Grape Jelly", and for the further reason that it was mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Pure Grape Jelly", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On May 10, 1935, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24472. Adulteration and misbranding of canned tomato paste. U. S. v. 50 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 35238. Sample no. 26009–B.)

This case involved a shipment of tomato paste that was adulterated because it contained excessive mold and was misbranded because it was a domestic product and was labeled to convey the impression that it was of foreign origin.

On March 8, 1935, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of tomato paste at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about February 19, 1935, by the Helen Packing Corporation, from North Collins, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Blue Mountain Tomato Paste * * * Blue Mountain Sales Co. Distributors, Providence, R. I. Color Added."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the article purported to be a foreign product because of the design on the label of pear-shaped tomatoes which are characteristic of the imported article; whereas it was not an imported article.

On March 29, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24473. Adulteration and misbranding of tomato paste. U. S. v. 6 Cases, et al., of Tomato Paste. Default decree of condemnation and destruction. (F. & D. nos. 35122, 35284. Sample nos. 15047–B, 23936–B.)

These cases involved shipments of tomato paste that was adulterated because it contained excessive mold and was misbranded because it was a domestic product and was labeled to convey the impression that it was of foreign origin.

On February 14, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6 cases and 15 cans of tomato paste at Steubenville, Ohio. On March 21, 1935, a libel was filed in the Northern District of Ohio against 22 cases of the product at Youngstown, Ohio. It was alleged in the libels that the article had been shipped in interstate commerce on or about September 19 and November 21, 1934, by the Helen Packing Corporation, from North Collins, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Ital-Ama Brand Tomato Paste * * * Packed by Helen Packing Corp. North Collins, N. Y."

The article was alleged to be adulterated in that it consisted in part of a decomposed substance.

Misbranding was alleged for the reason that the statements "Ital-Ama", "Uso-Napoli", and "Naples Style", were misleading and tended to deceive and mislead the purchaser, in that they were suggestive that the article was of foreign origin; whereas it was not, and this suggestion was not corrected by a statement on the side panel indicating the domestic source of the product.

On April 22 and June 4, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24474. Adulteration of canned tomato paste. U. S. v. 15 Cases, et al., of Tomato Paste. Default decrees of destruction. (F. & D. nos. 35218, 35294. Sample nos. 15049–B, 23942–B.)

These cases involved canned tomato paste that contained excessive mold.

On March 5, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of tomato paste at Pittsburgh, Pa. On March 22, 1935, a libel was filed in the Northern District of Ohio against 14½ cases of tomato paste at Youngstown, Ohio. The libels charged that the article had been shipped in interstate commerce on or about September 29, 1934, and February 7, 1935, by the Helen Packing Corporation, from North Collins, N. Y., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Ital-Ama Brand Tomato Paste * * * Packed by Helen Packing Corp. North Collins, N. Y."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On June 3 and June 25, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24475. Adulteration of tomato catsup. U. S. v. 244 Cases of Catsup. Consent decree of condemnation and destruction. (F. & D. no. 35124. Sample no. 11964–B.)

This case involved a shipment of tomato catsup that contained excessive mold and was worm-infested.

On February 9, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure of 244 cases of catsup at Denver, Colo., consigned by the Snider Packing Corporation, from Fairmount, Ind., alleging that the article had been shipped on or about September 28, 1934, from the State of Indiana into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Catsup * * * Snider Packing Corporation * * * Rochester, N. Y."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On March 21, 1935, the Snider Packing Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24476. Adulteration of oranges. U. S. v. 1 Car (37,600 Pounds) of Oranges. Default decree of destruction. (F. & D. no. 35102. Sample no. 3716–B.)

This case involved a carload of oranges that were found to be in part decomposed.

On January 19, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one car containing 37,600 pounds of oranges at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about December 22, 1934, by C. H. Taylor & Co., from Wauchula, Fla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On January 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24477. Adulteration of tullibees. U. S. v. 3 Boxes of Tullibees. Default decree of condemnation and destruction. (F. & D. no. 35103. Sample no. 16661–B.)

This case involved an interstate shipment of tullibees which were infested with worms.

On January 16, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three boxes of tullibees at New York, N. Y., alleging that the article had been shipped on or about January 12, 1935, by the Lake Manitoba Fisheries, from Winnipeg, Manitoba, Canada, into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Union Fisheries Ltd., * * * Winnipeg, Man."

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance, and in that it consisted of portions of animals unfit for food.

On February 9, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24478. Adulteration of apples. U. S. v. 660 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. no. 35100. Sample no. 23624–B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On January 23, 1935, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 660 bushels of apples at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about January 10, 1935, by the Growers Service Co., from the

State of Oregon into the State of Texas, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous ingredients, arsenic and lead, which might have rendered it injurious to health.

On February 6, 1935, by consent of all parties in interest, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24479. Adulteration of crab apples. U. S. v. 51 Bushels of Crab Apples. Default decree of condemnation and destruction. (F. & D. no. 35116. Sample no. 29222-B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On January 5, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 bushels of crab apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 12, 1934, by William Hamlin, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Hyslop Crab From R. L. Galbreath, Fennville, Mich."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

On February 16, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24480. Adulteration of canned tomato paste. U. S. v. 12 Cartons of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 35125. Sample no. 25876-B.)

This case involved canned tomato paste that contained excessive mold.

On February 11, 1935, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cartons of tomato paste at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about October 20, 1934, by the Brocton Preserving Co., from Fredonia, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fedora Italian Style Tomato Paste * * * Packed by Brocton Preserving Co. Brocton, New York."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On March 4, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24481. Adulteration of canned huckleberries. U. S. v. 100 Cartons of Canned Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 35126. Sample no. 26343-B.)

This case involved a shipment of canned huckleberries which were found to be infested with insects and worms.

On February 23, 1935, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cartons of huckleberries at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about January 12, 1935, by the National Fruit Canning Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Happy Baker Brand Water Pack Huckleberries * * * Packed by National Fruit Canning Co. Seattle, Wash."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On March 27, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24482. Adulteration of canned tomatoes. U. S. v. 14 Cases of Canned Tomatoes. Default decree of destruction. (F. & D. no. 35129. Sample nos. 13830–B, 22554–B.)

This case involved a shipment of canned tomatoes that contained maggots.

On February 12, 1935, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cases of canned tomatoes at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about October 10, 1934, by W. E. Robinson & Co., of Bel Air, Md., from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Indian Creek Brand Tomatoes * * * Packed by Kilmarnock Packing Company, Kilmarnock, Virginia."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On March 28, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24483. Adulteration of tomato puree. U. S. v. 558 Cases of Tomato Puree. Default decree of condemnation and destruction. F. & D. no. 35135. Sample no. 31802–B.)

This case involved a shipment of tomato puree that contained excessive mold.

On February 12, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 558 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 14, 1935, by the Cicero Canning Co., from Cicero, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "White City Brand Tomato Puree * * * Samuel Kunin and Sons Inc., Distributors, Chicago, Ills."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On March 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24484. Adulteration of frozen shrimp. U. S. v. 251 Boxes of Frozen Shrimp. Consent decree of condemnation. Product released under bond conditioned that unfit portions be destroyed or denatured. (F. & D. no. 35144. Sample no. 21663–B.)

This case involved a shipment of frozen shrimp that was in part decomposed.

On February 15, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 251 boxes of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 17, 1934, from Brunswick, Ga., by the Atlantic Shrimp Co., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On March 13, 1935, Chesebro Bros. & Robbins, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portions be denatured or destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24485. Adulteration of tullibees. U. S. v. 8 Boxes of Tullibees. Default decree of condemnation and destruction. (F. & D. no. 35167. Sample no. 21677–B.)

This case involved a shipment of tullibees that were infested with worms.

On February 8, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight boxes of tullibees at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 2, 1935, by Sam Johnson & Sons,

from Duluth, Minn., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance, and in that it consisted of portions of animals unfit for food.

On March 4, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24486. Adulteration of apples. U. S. v. 171 Boxes of Apples. Decree of destruction. (F. & D. no. 35168. Sample no. 16013–B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On February 4, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 171 boxes of apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 25, 1935, by Dan Corrigan, from Spokane, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "'Otis' Brand Fancy * * * Grown and Packed by Kroll Orchards Co., Spokane, Wash."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On February 13, 1935, the Jewel Produce Co., owners of the apples, having waived their claim for the property, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24487. Adulteration of apples. U. S. v. 45 Bushels and 45 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 35169. Sample nos. 24774–B, 24775–B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On November 8, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 bushels of apples at Hammond, Ind., alleging that the article had been shipped in interstate commerce on or about November 6, 1934, by Harry Palman from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Packed by James Boyce Holland Mich. Grimes"; "Peter Zahm Grower Conklin Mich Jonathan."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On March 20, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24488. Adulteration and misbranding of olive oil. U. S. v. 38 Gallon Cans of Alleged Olive Oil. Default decree of condemnation and destruction. (F. & D. no. 35190. Sample no. 26006–B.)

This case involved a shipment of alleged olive oil which was found to consist of an artificially colored and flavored mixture of oils other than olive oil, probably corn oil.

On February 28, 1935, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 gallon cans of alleged olive oil at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about January 23, 1935, by the Italia Importing Co., from Bridgeport, Conn., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that corn oil had been substituted wholly or in part for pure olive oil, which the article purported to be. Adulteration was alleged for the further reason that the article was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements (main panels) "Pure Olive Oil, Italy", "Philip Berio and C Lucca Tuscany", "Olio d'Oliva Puro" "Italia", "Filippo Berio * * * Lucca Toscana", (side panels) "Prize awarded at the Chicago Exposition 1893 for Puro Olive Oil to Philip Berio and C. of Lucca", "Onde proteggere la nostra marca dalle continue contraffazioni ciascuna latta deve portare la nostra firma autentica invece della nostra ditta stampata come per il passato. Ogni contraffattore della nostra marca sara punito a termini di legge", "Olio Puro D'Oliva della ditta Filippo Berio & C. Di Lucca Premiato All' Esposizione di Chicago 1893", "Salov . . . Lucca", "Packed in Italy", (imprinted on ends of can) "Packed in Italy", borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the article was not Italian olive oil, but was an artificially colored and flavored mixture of oils other than olive oil, and had not been packed in Italy. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so, and for the further reason that it was offered for sale under the distinctive name of another article, namely, olive oil.

On March 25, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24489. Adulteration of tomato pulp. U. S. v. 11,000 Cans of Tomato Pulp. Consent decree of condemnation. Product released under bond conditioned that decomposed portion be separated and destroyed. (F. & D. no. 35034. Sample no. 25572–B.)

This case involved canned tomato pulp that contained excessive mold.

On or about February 2, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eleven thousand 5-gallon cans of tomato pulp at Blue Island, Ill., alleging that the article had been shipped in interstate commerce between the dates of October 14, 1934, and December 27, 1934, by the Frazier Packing Corporation, from Elwood, Ind., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On March 7, 1935, Libby, McNeill & Libby, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24490. Adulteration of tomato catsup. U. S. v. 9 Cases, et al., of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. nos. 35243 to 35246, incl. Sample nos. 15326–B to 15329–B, incl.)

This case involved a shipment of tomato catsup that contained excessive mold and that was in a condition of active fermentation.

On March 9, 1935, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 cases of tomato catsup at Las Vegas, Nev., alleging that the article had been shipped in interstate commerce in various lots between the dates of January 16 and January 19, 1935, by the Crown Products Corporation, from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ladys Choice Tomato Catsup * * * Crown Products Corp., San Francisco, Los Angeles, Kansas City U. S. A."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On April 5, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24491. Misbranding of canned peas. U. S. v. 11 Cartons of Canned Peas. Default decree of condemnation. (F. & D. no. 35242. Sample no. 27213–B.)

This case involved a shipment of canned peas that fell below the standard promulgated by the Secretary of Agriculture, because of the presence of an excessive proportion of hard peas and which were not labeled to indicate that they were substandard.

On March 11, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 11 cartons of canned peas at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about February 25, 1935, by C. F. Bonsor, from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Mountain Pride Brand Sifted Sweet Wrinkled Peas. Distributed by The Mount Airy Canning Co. Mount Airy, Md."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because of the presence of an excessive number of hard peas, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On April 12, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be disposed of in such manner as would not violate the Federal Food and Drugs Act.

M. L. Wilson, *Acting Secretary of Agriculture.*

24492. Adulteration of tomato catsup. U. S. v. 14 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 35254. Sample no. 27860–B.)

This case involved a shipment of tomato catsup that contained excessive mold.

On or about March 12, 1935, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cases of tomato catsup at Little Rock, Ark., alleging that the article had been shipped in interstate commerce on or about October 15, 1934, by the Naas Corporation of Indiana, from Sunman, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blue Mountain Brand Tomato Catsup * * * Plunkett-Jarrell Grocer Co., Distributors, Little Rock, Ark."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On April 16, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24493. Adulteration of apples. U. S. v. 40 Bushel Baskets of Apples. Default decree of condemnation and destruction. (F. & D. no. 35258. Sample no. 24158–B.)

Examination of the apples involved in this case showed the presence of lead in an amount that might have rendered them injurious to health.

On February 19, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 bushel baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce in various lots, on or about February 9, February 11, and February 13, 1935, by B. L. Heritage, from Sewell, N. J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Rome Beauty B. L. Heritage, Sewell, N. J. Grower."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On March 14, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24494. Adulteration of apples. U. S. v. 852 Boxes of Apples. Product released under bond. (F. & D. no. 35259. Sample no. 360–B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On February 18, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 852 boxes

of Rome Beauty apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 6, 1935, by K. Lane Johnson Co., from Buena, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Rome Beauty * * * K. Lane Johnson."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On February 19, 1935, Jacob Greenfield, trading as the Greenfield Fruit & Produce Co., Los Angeles, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

24495. Adulteration of butter. U. S. v. 12 Barrels of Butter. Consent decree of condemnation. Product released under bond conditioned that it be disposed of as inedible fat. (F. & D. no. 35260. Sample no. 32931–B.)

This case involved an interstate shipment of butter that contained filth.

On February 15, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 barrels of butter at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about February 12, 1935, by Armour & Co., from Fort Worth, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of filthy, decomposed, and putrid animal matter.

On April 20, 1935, Ralph Hurst & Co., Kansas City, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be disposed of as inedible fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

24496. Adulteration of frozen shrimp. U. S. v. 421 Boxes of Frozen Shrimp. Consent decree of condemnation. Product released under bond conditioned that decomposed portion be segregated and destroyed or denatured. (F. & D. no. 35262. Sample no. 21664–B.)

This case involved a shipment of frozen shrimp which was in part decomposed.

On February 25, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 421 boxes of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 24, 1934, by Ramos Bros., from Charleston, S. C., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On March 13, 1935, Chesebro Bros. & Robbins, Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be destroyed or denatured.

M. L. WILSON, *Acting Secretary of Agriculture.*

24497. Adulteration of apples. U. S. v. 840 Boxes of Apples. Product ordered released under bond. (F. & D. no. 35264. Sample nos. 364–B, 15338–B.)

Examination of the apples involved in this case showed the presence of lead in an amount that might have rendered them injurious to health.

On February 25, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 840 boxes of apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 14, 1935, by C. E. Nathena and H. H. Hanson, from Buena, Wash., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On February 25, 1935, Frank B. Henney having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond conditioned that it would not be disposed of in violation of the Federal Food and Drugs Act.

M. L. Wilson, *Acting Secretary of Agriculture.*

24498. Adulteration of frozen eggs. U. S. v. 100 Cans of Frozen Whole Eggs. Decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 35287. Sample no. 14752–B.)

This case involved a shipment of frozen eggs which were in part decomposed and putrid.

On March 21, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cans of frozen whole eggs at Boston, Mass, alleging that the article had been shipped in interstate commerce on or about March 2, 1935, by the Gross Egg Co., from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Gross Egg Co. * * * Chicago Whole Eggs."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed and putrid animal substance.

On March 26, 1935, Isadore Mulmat, sole owner of the Mulmat Egg Co., Boston, Mass., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24499. Adulteration of vanilla extract and lemon extract. U. S. v. 31 Cases of Vanilla Extract, et al. Default decree of condemnation and destruction. (F. & D. no. 35307. Sample nos. 16956–B, 16957–B.)

This case involved vanilla extract and lemon extract that were found to contain isopropyl alcohol.

On March 28, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 cases of vanilla extract and 13 cases of lemon extract at New York, N. Y., alleging that the articles had been shipped on or about March 5, 1935, by the quartermaster at Fort Sill, Okla.; that the shipment had been returned to the manufacturer, the de Calais Laboratories, New York, N. Y.; and that the articles were adulterated in violation of the Food and Drugs Act. The articles were labeled in part: "Calais Brand 8 Fl. Oz. Vanilla Extract [or "Lemon Extract"] * * * de Calais Laboratories * * * New York, N. Y."

The articles were alleged to be adulterated in that a substance, isopropyl alcohol, had been mixed and packed therewith so as to reduce or lower or injuriously affect their quality, and had been substituted for vanilla extract and lemon extract, which the articles purported to be. Adulteration was alleged for the further reason that the articles contained an added poisonous or deleterious ingredient, isopropyl alcohol, which might have rendered them injurious to health.

On April 25, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24500. Adulteration of apples. U. S. v. 660 Bushels, et al., of Apples. Portion of product ordered delivered to relief organization after removal of deleterious substances. Remainder condemned and destroyed. (F. & D. nos. 35297, 35298. Sample nos. 23622–B, 23623–B.)

Examination of the apples involved in these cases showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On January 22, 1935, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 660 bushels of apples at Tulsa, Okla. On or about January 30, 1935, a libel was filed in the

Eastern District of Oklahoma against 660 bushels of apples at Ada, Okla. The libels charged that the article had been shipped in interstate commerce on or about January 10, 1935, on behalf of the Growers Service Co., by M. W. Gardner, from Nyssa, Oreg., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

On January 31, 1935, J. L. Warnock, Tulsa, Okla., consignee of the lot seized in the Northern District of Oklahoma, having waived all right or interest in the apples, and no other party having intervened, judgment was entered ordering that the apples be peeled and delivered to a relief organization, and that the baskets be returned to J. L. Warnock. On February 15, 1935, no claim having been entered for the lot seized in the Eastern District of Oklahoma, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

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U. S. GOVERNMENT PRINTING OFFICE: 1936

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

24501–24550

[Approved by the Acting Secretary of Agriculture, Washington, D. C., February 15, 1936]

24501. Adulteration and misbranding of Merrell's Cod Liver Oil Concentrate Tablets. U. S. v. 9 9/12 Dozen Bottles of Merrell's Cod Liver Oil Concentrate Tablets. Default decree of condemnation and destruction. (F. & D. no. 28638. Sample no. 6065–A.)

This case involved a drug preparation sold primarily as a source of vitamins. Tests of the article showed that it possessed about one-fifth as much vitamin D as indicated by the labeling.

On August 12, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9 9/12 dozen bottles of Merrell's Cod Liver Oil Concentrate Tablets at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about April 15, 1932, by Wm. S. Merrell & Co., from Cincinnati, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely: (Carton and bottle label) "Each tablet contains the equivalent of one teaspoonful of Cod Liver Oil U. S. P."; (carton) "The A and D Vitamins in Merrell's Cod Liver Oil Concentrate Tablets exert the same effects and are indicated in the same conditions for which Cod Liver Oil is taken"; (circular) "Merrell's Cod Liver Oil Concentrate is carefully tested by extensive experiments on animals to make certain that the important vitamins are present in abundance. * * * Potency of Vitamins Assured. These important Vitamin A and D tests are made before the concentrate is prepared from Cod Liver Oil to insure full vitamin content and potency. Then these tests are again made in the actual concentrate to make certain that full potency of Vitamins A and D are present when the concentrate is incorporated into the tablet * * * because Merrell's Cod Liver Oil Concentrate Tablets provide plenty of the important vitamins A and D in a pleasant little tablet."

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Bottle label, carton, and circular) "Merrell's Cod Liver Oil Concentrate"; (bottle label and carton) "Vitamins A and D From Cod Liver Oil * * * Each tablet contains the equivalent of one teaspoonful of Cod Liver Oil U. S. P."; (circular) "The Vitamins of Cod Liver Oil In a Tablet For generations cod liver oil has been used by doctors as a resistance builder and tonic to the convalescent and as an important addition to food for growing children and adults. The Pleasant Way to Take Cod Liver Oil Medical science has discovered a process for extracting and concentrating the vitamins. This discovery has led to the production of cod liver oil concentrate in convenient tablet form without the oily, fishy taste. Just as cod liver oil is used in the home as a protection against certain conditions, so may Merrell's Cod Liver Oil Concentrate Tablets be used. During pregnancy and the nursing period, mothers will find them an important addition to the diet, because they help to protect her and her child against the consequences of a poorly balanced diet. To the infant and growing child, Merrell's Cod Liver Oil Concentrate Tablets supply the vitamins essential to growth, to prevention against rickets with its symptoms of bow legs, deformed

joints, irregular and imperfect teeth. To both child and adult they afford a valuable means of building resistance, and aid in the treatment of run-down conditions, debility, and convalescence. Merrell's Cod Liver Oil Concentrate Tablets provide plenty of the important vitamins A and D in a pleasant little tablet, free from oil or nauseating fats."

On March 13, 1935, the case having come on to be heard and the intervenor, the Wm. S. Merrell Co., having failed to appear at the hearing, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. Wilson, *Acting Secretary of Agriculture.*

24502. Adulteration and misbranding of cereal meal. U. S. v. The Cereal Meal Corporation. Plea of nolo contendere. Fine, $270 and costs. (F. & D. no. 29411. I. S. nos. 12147, 12245, 21902, 24692, 24706, 28526.)

This case was based on various shipments of cereal meal which was adulterated under the provisions of the Food and Drugs Act applicable to food because it contained added agar. It was also misbranded under the provisions of the act applicable to food, since agar is a drug and the product was labeled as containing no drug; and was further misbranded under the provisions of the act applicable to drugs because of unwarranted curative and therapeutic claims in the labeling.

On March 31, 1933, the United State attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cereal Meal Corporation, trading at St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about September 16, 1930, February 6, February 28, June 17, June 18, and July 10, 1931, from the State of Missouri into the States of California, Illinois, Massachusetts, and Colorado of various consignments of cereal meal which was adulterated and misbranded.

Samples of the product analyzed by this Department were found to consist essentially of wheat bran, wheat shorts, linseed meal, and agar-agar.

The article was alleged to be adulterated under the provisions of the act applicable to food in that agar, a drug substance, had been substituted in part for cereal meal which the article purported to be.

The article was also alleged to be misbranded under the provisions of the act applicable to food in that the statements, "Cereal Meal * * * It contains no drug * * * Contains No Drugs", borne on the label, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article was cereal meal containing no drugs, whereas it contained agar, a drug defined in the United States Pharmacopoeia. Misbranding was alleged for the further reason that the article was composed in part of agar and was offered for sale under the distinctive name of another article, cereal meal.

Misbranding was charged under the provisions of the law applicable to drugs in that certain statements appearing on the carton and in a circular shipped with the article, regarding its curative and therapeutic effect, falsely and fraudulently represented that it was effective as a remedy, treatment, and cure in attaining ideal health, in eradicating constipation and evils resulting therefrom; effective as a treatment for relieving, in the first 24 hours, indigestion, gastro-intestinal disorders and the many wretched conditions and symptoms that invariably accompany constipation; effective as a remedy, treatment, and cure in stubborn, long-standing cases of constipation; effective as a remedy, treatment and cure for the vast majority of cases of constipation, thus relieving much indigestion, chronic appendicitis, and mucous colitis due thereto, effective in stimulating to action the glands along the bowel; effective in restoring nature to her perfect work by restoring normal nerves and blood supply; as a diet, effective as a remedy, treatment, and cure in relieving of chronic appendicitis—in most cases—those who suffer therefrom, by relieving the bowel of fecal masses and irritative gases; effective in increasing the secretory powers of the stomach and intestinal glands and in decreasing fermentation and gas formation, thus relieving many forms of indigestion; effective as a remedy, treatment, and cure for mucous colitis—a catarrhal condition of the large intestine—by cleaning out the mucus, clearing the bowel and aiding the mucous membrane of the colon to return to normal; effective in nourishing the tissues, aiding glandular action, stimulating the nerve endings and in giving strength; effective as a remedy, treatment, and cure for children's dis-

eases caused by constipation; effective as a preventive of disease; and that the eating of said article was the effective way back to health.

On March 25, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of $270 and costs.

M. L. Wilson, *Acting Secretary of Agriculture.*

24503. Alleged adulteration and misbranding of Brewster's Germ Destroyer and Brewster's G. D., formerly called Germ Destroyer; and alleged misbranding of Brewster's Throat Wash, Brewster's Throat-Eaz and Brewster's Liver Tonic. U. S. v. Jefferson Reese Brewster (Brewster Laboratories.). Tried to a jury. Verdict of not guilty. (F. & D. no. 30288. I. S. nos. 17084, 18331 Sample no. 13441-A.)

On December 19, 1933, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Jefferson Reese Brewster, trading as the Brewster Laboratories, Nashville, Tenn., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about January 22, February 18, and September 12, 1932, from the State of Tennessee into the States of Alabama and Kentucky of quantities of Brewster's Germ Destroyer, Brewster's G. D., Brewster's Throat Wash, Brewster's Throat-Eaz, and Brewster's Liver Tonic, charging adulteration and misbranding of the products as hereinafter set forth.

Analyses showed that Brewster's Germ Destroyer and Brewster's G. D. consisted essentially of light petroleum oil, a saponifiable oil and a small proportion of turpentine oil; the samples tested by this Department did not destroy germs. Analyses of the remaining products showed that the Throat Wash consisted essentially of a fixed oil, light petroleum oil, a small proportion of turpentine oil and a trace of ferric chloride; that the Throat-Eaz consisted essentially of light petroleum oil, a fixed oil, a small proportion of turpentine, and a trace of potassium iodide; and that the Liver Tonic consisted essentially of a fixed oil and light petroleum oil.

The information alleged that the Germ Destroyer and the G. D. were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that the former was represented to be a germ destroyer and the latter was represented to be a germ destroyer and practical germicide; whereas they were not as represented.

Misbranding of the Germ Destroyer and G. D. was alleged in that the statement "Germ Destroyer" with respect to the former and the statements, "G. D. Formerly called Germ Destroyer" and "Recommended as a Practical Germicide" with respect to the latter, borne on the labels, were false and misleading.

Misbranding was alleged with respect to all products in that certain statements in the labeling falsely and fraudulently represented that the Germ Destroyer was effective as a treatment for tuberculosis of the lungs, tuberculosis of the bones, and asthma; that the G. D. (one shapment) was a treatment, remedy, and cure for tuberculosis of the lungs, as a preventive of tuberculosis; as a treatment for cancer, tuberculosis of the bone or any kind of sore on the body, as a treatment, remedy and cure for asthma and as a relief for pain anywhere about the body; that the Throat Wash was effective as a treatment for tonsilitis, chronic throat trouble and other throat troubles; that the Throat-Eaz was effective as a treatment, remedy and cure for coughs and croup, as a relief for coughing spells and to quiet the nerves, and effective to regulate periods in women; and that the Liver Tonic was effective as a liver tonic, as a treatment for nervous indigestion, as effective to keep the blood circulating, the stomach in good condition and the appetite good, as effective as a preventive of tuberculosis, as effective when taken in connection with Brewster's G. D. as a preventive of tuberculosis, and as effective to assist nature in carrying off the germs as they are destroyed.

On October 6, 1934, the case having come on for trial before a jury, a verdict of not guilty was entered.

M. L. Wilson, *Acting Secretary of Agriculture.*

24504. Misbranding of Bio Prepared Salt. U. S. v. Dr. William C. Yergin (The Temple Salatorium Co.). Plea of guilty. Fine, $1 and costs. (F. & D. no. 30336. Sample nos. 2878-A, 24627-A, 35099-A.)

This case was based on interstate shipments of a product sold as a drug, the labeling of which contained unwarranted curative and therapeutic claims.

On May 22, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the dis-

trict court an information against Dr. William C. Yergin, trading as The Temple Salatorium Co., Butler, Ind., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about August 26, 1932, September 6, 1932, and April 11, 1933, from the State of Indiana into the States of Minnesota, Illinois, and Ohio, respectively, of quantities of Bio Prepared Salt which was misbranded.

Analyses showed that the article consisted of a pink crystalline powder containing chiefly sodium chloride and small amounts of magnesium, calcium, iron, manganese, and potassium compounds, phosphate, sulphate, carbonate, silicate, and iodide.

The product in two of the shipments was charged with being misbranded in that certain statements regarding its therapeutic and curative effects, appearing on the package label, falsely and fraudulently represented that it was effective as a treatment for so-called disease; effective as a corrector of faulty metabolism; effective as an essential tissue organizer; effective to carry oxygen to the tissues; effective as a health restorer; effective as a treatment, remedy and cure for ulcers, cancers, bed-wetting, obesity, tumors, goiter, kidney trouble, bronchitis, female disorders, sleeping sickness, deficient flesh, Bright's disease, appendicitis, tuberculosis, dysmennorrhea, epilepsy, paralysis, high blood pressure, pernicious anemia, nervous conditions, insanity, malaria, la grippe, blood poisoning, stomach trouble, dropsy, rickets, headache, typhoid fever, pellagra, diabetes, mumps, scurvy, asthma, whooping cough, catarrh (all stages), eczema, erysipelas, gallstones, neuralgia, hardening of the arteries, heart disease, liver trouble, pneumonia, rheumatism, scarlet fever, adenoids, diphtheria, hay fever, lumbago and edema; effective to correct the chemistry of the blood in case of sickness; effective for the relief of whooping cough, bronchitis, pneumonia, asthma, swollen joints, and hives; and effective to assist in reducing fat people and in building up the lean ones.

The product in the remaining shipment was charged with being misbranded in that certain statements regarding its therapeutic and curative effects appearing on the package label and in a booklet shipped with the article, falsely and fraudulently represented that it was effective as a treatment for so-called disease, and as a corrector of faulty metabolism; effective to insure a renewed, radiant atmosphere of health, vigor, vitality, and efficiency; effective to correct the chemistry of the blood, and to relieve whooping cough, bronchitis, pneumonia, asthma, hay fever, swollen joints, hives and colic; and effective to restore and maintain health and to keep the organism in repair; effective as a health builder; effective to cause symptoms of disease to disappear; effective as a treatment, remedy and cure for anemia, asthma, hay fever, headache, malaise, mental depression, baldness, growing hair, bed-wetting, Bright's disease, acute nephritis, pellagra, organic diseases of the heart, cancers, leg sores, ulcers, bad complexion, wrinkles, constipation, coughs, croup, sore throat, diabetes, ear trouble, weak eyes, gallstones, leakage of the heart, heart failure, Herpes Zoster or shingles, high-blood pressure, insanity, leucorrhea, female disorders of all descriptions, mumps, paralysis, piles, acidosis, rheumatism, neuritis, sinus trouble, catarrh, stomach disorders, tuberculosis, consumption and urinary disorders, such as inflammatory conditions of the bladder and urethra; cystitis with pain, heat, and fever, wetting the bed, enuresis, especially with women; incontinence from loss of power of the sphincter muscle; retention of urine because of inflammation; constant urging to micturate; excessive amount of urinary fluid; discharging of thick, white mucus; dark colored urine; deposits of uric acid accompanied with torpor and inactivity of the liver; cystitis in asthenic states of being, with prostration; brick dustlike sediment in urine; high-colored urine when associated with rheumatism or biliousness; sandy deposits, indicating gravel; flocculent-shreddy, flaky sediment; passing semen in urine; enuresis in old people; calculi in kidneys; passing albumen or sugar in urine; effective as a treatment for the nursing or prospective mother; effective to keep health at par by vitalizing the organism, energizing the body and feeding the tissues; effective to invigorate and impart new life to organs not performing their proper function, to eliminate poisonous wastes, to nourish starving cells and to restore strength, hope, and courage; effective as a treatment for afflictions of the eyes, nose, throat, lungs, appendix, liver, stomach, bowels and back, and for tuberculosis, "flu", rheumatism, diabetes, Bright's disease, ptomaine poisoning and drug habits; effective to keep one in a "continuous bond of preservation", and as a remedy for any sort of symptoms; effective to supply that which is needed for building up and revitalizing or

rehabilitating the cells of the entire human fabric which have been starved by a wrong course of living; effective to supply all the growing material necessary for the development of the child; effective as a treatment for Bright's disease, high blood pressure, rheumatism, stomach disorders, heart trouble, eczema, psoriasis, leg sores, ulcers, cancers, dropsy, tuberculosis, and whooping cough, by correcting the chemistry of the blood; effective to reduce flesh and to increase weight of children and adults; effective as a treatment for diabetes mellitus; effective as a treatment for any abnormal physical condition and all forms of so-termed ulcers, leg sores and cancers, and to supply diet deficiencies within the range of human existence; effective to relieve any case of asthma in existence; effective to clean up the organism and to purify the blood stream; effective to regulate the bowels; effective as a short cut to health; and effective as a treatment for headache, noises in the ears, high- or low-blood pressure, dizziness, insomnia, palpitation of the heart, rapid weak pulse, convulsive movements of the hands, tremors in various part of the body, bladder weakness, cystitis, pallor, moist clammy skin, retarded respiration, cold extremities, stomach trouble, heartburn, neuritis, paralysis and insanity, due to caffeine poisoning and the habitual use of tea or coffee; effective as a preventive of weakness, decrepitude, childishness, infirmity, languor and dotage of old age, and as a treatment for sickness, rheumatism, nervousness, insanity, pains, ulcers, sores, eczema, asthma, goiter, or any other diseases due to old age; effective as a relief for dyspepsia; effective as a source of healing; and effective to build up tissue, lungs, heart and brain; to perfect the blood stream, to relieve all pain, to reduce the fat, to plump up the lean; to normalize the body, to temper the spleen, and to develop the growing.

On February 18, 1935, the defendant entered a plea of guilty and the court imposed a fine of $1 and costs.

M. L. Wilson, *Acting Secretary of Agriculture.*

24505. Adulteration and misbranding of fluidextract of squill. U. S. v. One hundred and ninety-seven 1-Pint Bottles of Fluidextract of Squill. Default decree of condemnation and destruction. (F. & D. no. 31263. Sample no. 37872–A.)

Samples of fluidextract of squill taken from the shipment involved in this case were found to have a potency of less than two-fifths of that required by the United States Pharmacopoeia.

On October 21, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 197 pint bottles of fluidextract of squill at Perryville, Md., alleging that the article had been shipped in interstate commerce on or about September 19, 1933, by B. R. Elk & Co., from Dundee, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Fluid Extract Squill U. S. P."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the tests laid down in the said pharmacopoeia, and its own standard of strength was not stated upon the container.

Misbranding was alleged for the reason that the statement on the label, "Fluid Extract Squill U. S. P.", was false and misleading.

On March 18, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24506. Alleged adulteration of elixir iron, quinine, and strychnine. U. S. v. Vale Chemical Co. Plea of nolo contendere. Judgment of not guilty. (F. & D. no. 31314. Sample no. 8348–A.)

On December 20, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Vale Chemical Co., a corporation trading at Allentown, Pa., alleging shipment by said company on or about June 3, 1932, from the State of Pennsylvania into the State of New Jersey, of a quantity of elixir iron, quinine, and strychnine which was adulterated.

The information charged that the article was adulterated in that it was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down

in the said formulary, in that it contained not more than 3.678 grams of the anhydrous alkaloids of quinine and strychnine per 1,000 cubic centimeters, equivalent to 1.678 grams per fluid ounce of the article, whereas the National Formulary provides that the article shall contain in each 1,000 cubic centimeters, 8.750 grams of quinine hydrochloride and 0.175 grams of strychnine sulphate, equivalent to 7.29 grams of the anhydrous alkaloids of quinine and strychnine per 1,000 cubic centimeters, or, 3.32 grains of the anhydrous alkaloids of quinine and strychnine per each fluid ounce; and the standard of strength, quality, and purity of the article was not declared on the container.

On March 18, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court found the defendant not guilty.

M. L. WILSON, *Acting Secretary of Agriculture.*

24507. Adulteration and misbranding of mineral oil and misbranding of liquefied carbolic acid, spirit of camphor, and castor oil. U. S. v. Continental Drug Corporation. Plea of nolo contendere. Fine, $210 and costs. (F. & D. no. 31318. Sample nos. 4278–A, 4282–A, 4824–A, 4825–A, 4827–A, 15673–A.)

This case was based on interstate shipments of drugs which were short volume and a shipment of mineral oil which failed to conform to the standard laid down in the United States Pharmacopoeia because of the presence of sulphur.

On July 3, 1934, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Continental Drug Corporation, trading at Alton, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 27, April 14, June 25, and August 20, 1932, from the State of Illinois into the State of Wisconsin of quantities of liquefied carbolic acid, spirit of camphor, and castor oil which were misbranded, and on or about June 17, 1932, from the State of Illinois into the State of Missouri of a quantity of mineral oil which was adulterated and misbranded. The articles were labeled, variously: "Carbolic Acid Liquid * * * 1 fld. oz."; "Spirit Camphor * * * 1 fld. oz."; "Liquefied Carbolic Acid * * * 1 fld. oz. [and "1 oz."]"; "Castor Oil * * * 8 fld. oz. [and "8 oz."] * * * Continental Drug Corporation St. Louis [or "Alton Ill."]"; "Russian Mineral Oil U. S. P. * * * Distributed by Ell-Dee Mfg. Co. St. Louis Mo."

The mineral oil was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation in that it contained sulphur; whereas the pharmacopoeia provides that mineral oil shall contain no sulphur compounds.

Misbranding of the said mineral oil was alleged for the reason that the statement "Mineral Oil U. S. P.", borne on the bottle label, was false and misleading since the said statement represented that the article was mineral oil which conformed to the standard laid down in the United States Pharmacopoeia; whereas it was not mineral oil which conformed to the said standard.

Misbranding of the liquefied carbolic acid, spirit of camphor, and castor oil was alleged for the reason that the statements "1 fld. oz.", and "1 oz.", with respect to the liquefied carbolic acid and spirit of camphor, and the statements "8 fld. ozs." and "8 ozs." with respect to the castor oil, were false and misleading since the bottles contained less than declared.

On March 12, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of $210 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

24508. Misbranding of Hydroxene. U. S. v. Llewellyn B. Ritter (Hydroxene Co.). Plea of nolo contendere. Defendant placed on probation for two years (F. & D. no. 31328. Sample no. 33618–A.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On March 1, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Llewellyn B. Ritter, trading as the Hydroxene Co., Los Angeles, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about March 23, 1932, from

the State of California into the State of Texas of a quantity of Hydroxene which was misbranded.

Analysis by this Department showed that the article consisted essentially of a watery solution of zinc chloride and sodium chloride flavored with oil of peppermint.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the bottle labels, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for pyorrhea alveolaris (chronic periodontitis), trench mouth (Vincent's infection), sore throat, tonsilitis, bleeding or spongy gums, canker sores and eczema; and effective to keep the mouth healthy.

On March 28, 1935, the defendant entered a plea of nolo contendere. On April 15, 1935, the court ordered that defendant be placed on probation for 2 years.

M. L. Wilson, *Acting Secretary of Agriculture.*

24509. Adulteration and misbranding of H. G. C. U. S. v. Acme Chemical Mfg. Co., Ltd., and William T. Jay. Pleas of guilty. Fines, $100. (F. & D. no. 31439. Sample nos. 7072–A, 13225–A, 18286–A, 33634–A, 33692–A.)

This case was based on various shipments of H. G. C., the labels of which contained unwarranted curative and therapeutic claims. The labels of two of the shipments also contained unwarranted antiseptic claims.

On July 26, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Acme Chemical Manufacturing Co., Ltd., a corporation, and William T. Jay, of New Orleans, La., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, between the dates of February 10, 1932, and April 3, 1933, from the State of Louisiana into the States of Alabama, Mississippi, and Texas, of quantities of H. G. C., which was misbranded and portions of which were also adulterated.

Analyses showed that the article consisted essentially of borax, berberine, sulphate, and water. Bactericidal tests showed that the article was not antiseptic when used in accordance with directions in a leaflet accompanying certain shipments.

The information charged that the product in two of the shipments was adulterated in that it was represented to be antiseptic when used as directed, whereas it was not antiseptic when used as directed.

Misbranding was alleged for the reason that the statement, "Especially recommended as a Douche for Females Antiseptic" appearing in a leaflet accompanying two of the shipments, was false and misleading, since the said statement represented that the article was antiseptic when used as directed; whereas it was not antiseptic when used as directed.

Misbranding was alleged for the further reason that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the bottle label and carton, and in a circular shipped with all lots and a leaflet shipped with certain lots, falsely and fraudulently represented that the article was effective as a treatment for male and female disorders; effective as an antiseptic, healing, and strengthening douche for females; and effective as a treatment for male and female disorders, when used as an injection for men and as a douche for women.

On January 7, 1935, the defendants were arraigned and entered pleas of not guilty. On January 30, 1935, motions to quash and for a bill of particulars were argued and overruled. On February 14, 1935, the defendants entered pleas of guilty and the court imposed fines totaling $100.

M. L. Wilson, *Acting Secretary of Agriculture.*

24510. Adulteration and misbranding of Yerkes White Liniment. U. S. v. Yerkes Chemical Co., Inc. Plea of guilty. Fine, $25. (F. & D. no. 31460. Sample no. 30427–A.)

This case was based on an interstate shipment of Yerkes White Liniment, the labeling of which bore unwarranted curative and therapeutic claims. Analysis showed that the article contained a smaller percentage of chloroform than declared.

On May 17, 1934, the United States attorney for the Middle District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Yerkes Chemical Co., Inc., Winston-Salem, N. C., alleging shipment by said company in violation of the Food and

Drugs Act as amended, on or about April 4, 1933, from the State of North Carolina into the State of Virginia of a quantity of Yerkes White Liniment which was adulterated and misbranded. The article was labeled in part: "Yerkes White Liniment * * * Chloroform 5% * * * Yerkes Chemical Co. * * * Winston-Salem, N. C."

Analysis by this Department showed that the article consisted essentially of an emulsion containing fatty acids, ammonia (1.9 percent), turpentine, chloroform (3.3 percent), alcohol (3.5 percent by volume), and water.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to contain 5 percent of chloroform; whereas it contained less than 5 percent of chloroform, namely, not more than 3.3 percent of chloroform.

Misbranding was alleged for the reason that the statement "Chloroform 5%", borne on the carton and bottle label, was false and misleading since the article contained less than 5 percent of chloroform. Misbranding was alleged for the further reason that the article contained chloroform and the label on the package failed to bear a statement of the quantity or proportion of chloroform contained therein. Misbranding was alleged for the further reason that certain statements regarding the therapeutic and curative effects of the article, appearing in the labeling, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for rheumatism, swelling or contraction of the muscles or leaders, backache, sore throat, soreness of the chest, lameness, stiff joints, swellings, soreness, and aches and pains of all kinds.

On November 5, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $25.

M. L. WILSON, *Acting Secretary of Agriculture.*

24511. Misbranding of Mercurochrome, camphorated oil, spirit of camphor, tincture of iodine, extract of witch hazel, paregoric, and liquefied carbolic acid. U. S. v. Continental Drug Corporation. Plea of nolo contendere. Fine, $210 and costs. (F. & D. no. 31472. Sample nos. 28929–A, 28930–A, 28932–A, 28934–A to 28937–A, incl.)

This case was based on interstate shipments of drugs which were short volume. One of the products, spirit of camphor, contained less alcohol than declared on the label.

On July 25, 1934, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Continental Drug Corporation, Alton, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 24, 1933, from the State of Illinois into the State of Kansas of quantities of Mercurochrome, camphorated oil, spirit of camphor, tincture of iodine, extract of witch hazel, paregoric, and liquefied carbolic acid which were misbranded. The articles were labeled in part: "Mercurochrome * * * Continental Drug Corp. Alton ½ oz. Illinois"; "Camphorated Oil * * * 2 Fld. Oz."; "Spirit Camphor * * * Alcohol 86% * * * 1 Fld. Oz."; "Tincture Iodine * * * 1 Fld. Oz."; "Extract Witch Hazel * * * 4 Fld. Ozs."; "Paregoric 1 Fld. Oz."; "Liquefied Carbolic Acid * * * 1 Fld. Oz."

The articles were alleged to be misbranded in that the statements on the labels, namely, "½ oz" with respect to the Mercurochrome, "2 Fld. Ozs." with respect to the camphorated oil, "1 Fld. Oz." with respect to the spirit of camphor and paregoric, "1 Fld. Oz." and "1 oz" with respect to the tincture of iodine and liquefied carbolic acid, "4 oz." and "4 Fld. Ozs," with respect to the extract of witch hazel, were false and misleading since the bottles contained less than declared. Misbranding of the spirit of camphor was alleged for the further reason that the statement "Alcohol 86%", borne on the labels, was false and misleading since the product contained less than 86 percent of alcohol and for the further reason that it contained alcohol and the label failed to bear a statement of the quantity and proportion of alcohol contained therein.

On March 12, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of $210 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

24512. Misbranding of pine disinfectant. U. S. v. Hans V. Jansen (Jansen Soap & Chemical Co.). Plea of guilty. Fine, $25. (F. & D. no. 31482. Sample no. 23753–A.)

This case involved a product the labeling of which contained unwarranted curative and therapeutic claims.

On January 30, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Hans V. Jansen, trading as the Jansen Soap & Chemical Co., San Francisco, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about August 24, 1932, from the State of California into the State of Nevada, of a quantity of pine disinfectant which was misbranded.

Analysis showed that the article consisted of soap, water, and pine oil.

The article was alleged to be misbranded in that the statement, "For—Ulcerated Sores, skin diseases", borne on the can label, was a statement regarding the curative and therapeutic effects of the article and was false and fraudulent.

The information also charged a violation of the Insecticide Act of 1910, reported in notice of judgment no. 1378, published under that act.

On September 16, 1935, the defendant entered a plea of guilty, and the court imposed fines on both charges, the fine on the count charging violation of the Food and Drugs Act being $25.

M. L. Wilson, *Acting Secretary of Agriculture.*

24513. Misbranding of Sayman's Healing Salve, Dr. Sayman's Liniment, and Sayman's Vegetable Wonder Soap. U. S. v. T. M. Sayman Products Co. Plea of nolo contendere. Fine, $1,000 and costs. (F. & D. no. 31493. Sample nos. 13279–A, 13280–A, 13330–A, 13331–A, 13332–A, 16901–A, 16902–A, 17985–A, 43939–A, 50282–A.)

This case was based on interstate shipments of drug preparations the labeling of which contained unwarranted curative and therapeutic claims.

On October 6, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the T. M. Sayman Products Co., a corporation, St. Louis, Mo., alleging shipment by said company in violation of the Food and Drugs Act as amended, in various consignments between the dates of December 31, 1931, and September 6, 1933, from the State of Missouri into the States of Louisiana, Alabama, Mississippi, Texas, New York, and Ohio of quantities of Sayman's Healing Salve, Dr. Sayman's Liniment, and Sayman's Vegetable Wonder Soap which were misbranded.

Analyses by this Department showed that the salve consisted essentially of boric acid, zinc oxide, and camphor in a petrolatum base; that the liniment contained alcohol, water, chloroform, camphor, sassafras oil, capsicum, ammonium compounds, turpentine, and plant extractives; and that the Vegetable Wonder Soap contained sodium salt of a vegetable oil, water, and a minute amount of perfume.

The information alleged that the articles were misbranded in the following respects: The labeling of the salve contained statements falsely and fraudulently representing that the article was effective as a healing remedy for old sores, sore hands, face and lips, pimples, boils, felons, itching humors, eczema, tetter, salt rheum, ringworm, sore feet, and other conditions where a reliable healing salve is required; effective as an aid in the treatment of chronic old sores and the various forms of skin and scalp diseases, piles, and itching humors of the skin and scalp; effective as a treatment for many forms of skin and scalp diseases, skin blemishes, skin humor, eczema, tetter, rash, pimples, pustules, salt rheum, erythema, scrofulous, indolent, chronic old sores, inflammation, catarrh, bunions, hemorrhoids (piles), and scald head or milk crust in children; effective as a soothing method of relieving piles (hemorrhoids), and many diseases of the rectum; effective as a cure for bleeding, protruding piles; effective as a treatment, remedy, and cure for sores, skin diseases, piles and kindred ailments; effective when used in conjunction with Dr. Sayman's Vegetable Wonder Soap as a successful treatment for skin diseases and old sores, blind, bleeding and itching piles, chronic old sores, sore hands, face and lips, pimples, boils, felons, eczema, tetter, salt rheum, ringworm, catarrh, sore feet, and bunions; effective when used in conjunction with Dr. Sayman's Vegetable Wonder Soap to heal and purify various forms of skin and scalp diseases, old and chronic sores, and numerous other skin troubles; effective when used in conjunction with Dr. Sayman's Vegetable Wonder Soap to remove proud flesh; effective when used in connection with Dr. Sayman's Vegetable Wonder Soap as a cure for sores of any kind; effective when used in conjunction with Dr. Sayman's Vegetable Wonder Soap, as a treatment for skin and scalp diseases, such as eczema, tetter, salt rheum, acne, scald head in children, itch, itching humor of scalp, skin or body, dandruff, chronic old sores,

bleeding or itching piles or pile tumors; effective when used in connection with Dr. Sayman's Vegetable Wonder Soap as a treatment for grease heels, sweat warts, and running sores in horses; effective when used in connection with Dr. Sayman's Glysalin as a treatment for catarrh; effective when used in connection with Dr. Sayman's Glysalin as a treatment for ulceration of the nasal passages, throat, lungs, and stomach; effective when used in conjunction with Dr. Sayman's Wonder Liniment to remove bunions; effective when used in connection with Dr. Sayman's Wonder Liniment as a treatment for lameness, swollen, contracted cords and stiff joints, lacerations and pricks from rusty nails, caked breast, swelling, sore nipples, catarrh and hay fever. The labeling of the liniment contained statements falsely and fraudulently representing that the article was effective as a treatment for muscular rheumatism, lumbago, lameness, lame back, swellings, sciatica, toothache, earache, fever sores, cankered sore mouth, sore nipples, ulcers, sore throat, hoarseness, bronchial cough, whooping cough, diarrhoea, dysentery, bloody flux, cholera morbus, and painters' colic; effective as a relief for coughs, hoarseness, soreness and tightness in chest, difficult breathing, sore throat, croup, muscular rheumatism, lumbago, lame back, pains in the side and back, stiff joints, stiff neck, earache, toothache, cholera morbus, diarrhoea, cramps, caked breast, sore nipples, acute pleurisy and sciatica; effective to relieve pain; effective to prevent swelling in fresh cuts, wounds and scratches; effective as a treatment for catarrh, ulceration of the nasal passages, throat, lungs and stomach and hay fever; effective as possessing healing properties of great power, to act upon the nervous system, to allay pain, to subdue inflammation, congestion and swelling; to penetrate to the seat of the predisposing cause, and to assist in bringing about permanent and radical relief in cases of rheumatism, lameness, ulcers, fever sores, sore eyes, cankered sore mouth, sore nipples, sore throat, coughs, hoarseness, whooping cough, catarrh, toothache, earache, catarrhal deafness, cramps, colic, cholera morbus, painters' colic, lame back, inflammation of the kidneys, retention of urine, diarrhoea, dysentery, bloody flux, and swellings; effective as a treatment, remedy, and cure for colic in horses; effective to penetrate to the seat of the difficulty and increase circulation; effective to draw out deep-seated pain; effective as a treatment, remedy, and cure for rheumatism, toothache, lameness, pain in the back and sides, inflammation of the kidneys, deep-seated colds and enlarged spleen; effective as a treatment for pleurisy, swollen, contracted cords, stiff joints, pin scratches, lacerations, and pricks from rusty nails, inflammation of the kidneys, painful menstruation, croup, cramps, colic, stomach pains, caked breast, swelling, sore nipples, deafness, enlarged spleen, wounds of any kind, bites of insects, reptiles and dogs, sudden attacks of dysentery, diarrhoea, cramps, colic or pain in the stomach, and rheumatic ailments; effective as a relief for earache and catarrh, and to reduce inflammation, swelling and congestion; effective as a treatment for colic or stomach ache, retention of urine and kidney trouble in horses; effective as a means of relieving suffering humanity and to save life and limb; effective as an antidote for spider poison; effective as a treatment for consumption and la grippe; and effective as a treatment for aches and pains. The labeling of the Vegetable Wonder Soap contained statements falsely and fraudulently representing that the article was effective when used in connection with Sayman's Healing Salve as a valuable treatment in many cases of old sores, eczema, acne, scald head (or milk crust), sore hands and face and many humors of the skin and scalp; effective when used in conjunction with Dr. Sayman's Healing Salve as a treatment, remedy, and cure for cutaneous, indolent or old sores, eczema, tetter, acne, barber's itch, scald head (or milk crust), sore hands or face and torturing or itching humors of the skin or scalp; effective as invigorating; and effective to insure sound, refreshing sleep, and to produce natural health and a vigorous growth of the child; effective as an aid in restoring the scalp to a healthy condition; effective when used in connection with Sayman's Salve as a quick relief from piles; effective to insure a healthy normal condition of the skin and a clear healthy skin; effective when used in connection with Sayman's Salve as a cure for sores about the face, neck, ears and mouth and for running sore ear; effective when used in connection with Sayman's Salve as a treatment for skin diseases; effective when used in conjunction with Sayman's Healing Salve as a treatment for skin and scalp diseases, such as eczema, tetter, salt rheum, acne, scald head in children, itch, itching humors of scalp, skin or body, dandruff, chronic old sores, and bleeding or itching piles; effective to stimulate the skin to healthy

action; effective to allay itching humors of the scalp; effective to remove all the germ-laden coating from the tongue; and effective to insure a healthy mouth; effective when used in connection with Sayman's Healing Salve as a treatment, remedy and cure for tetter, pimples, old sores, all forms of scalp and skin diseases, piles, itching piles, pile tumors, and aching feet; effective to insure healthy skin in dogs and other pets; and effective when used in connection with Sayman's Healing Salve as a treatment, remedy, and cure for grease heels, sweat warts, and running sores in horses.

On March 16, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of $1,000 and costs.

M. L. Wilson, *Acting Secretary of Agriculture.*

24514. Adulteration and misbranding of Epsom salt tablets. U. S. v. Martin Gottsegen, Harry Gottsegen, and Alfred Gottsegen (Universal Merchandise Co.). Pleas of guilty. Fines, $50. (F. & D. no. 31523. Sample nos. 42923–A, 42924–A, 43166–A, 43167–A.)

This case was based on interstate shipments of drug tablets which were labeled to convey the impression that they were Epsom salt tablets prepared in accordance with the requirements of the United States Pharmacopoeia. The article was adulterated and misbranded because it contained added phenolphthalein and was further misbranded since there is no standard of quality for Epsom salt tablets in the pharmacopoeia.

On May 24, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Martin Gottsegen, Harry Gottsegen, and Alfred Gottsegen, copartners trading as the Universal Merchandise Co., Chicago, Ill., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about May 4 and July 1, 1933, from the State of Illinois into the State of New York of quantities of Epsom salt tablets which were adulterated and misbranded. The article was labeled in part: (Display card) "Gold Seal [or "Tip Top"] Epsom Salt Tablets * * * U. S. P. Standard Quality"; (envelope) "contains ¼ Grain of Phenolphthalein."

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be Epsom salt tablets, namely, a product composed exclusively of Epsom salt, and it was represented to conform to the standard of quality laid down in the United States Pharmacopoeia; whereas it did not consist exclusively of Epsom salt, but did consist in part of phenolphthalein, and there is no standard of quality for Epsom salt tablets laid down in the United States Pharmacopoeia.

Misbranding was alleged for the reason that the statement "U. S. P. Standard Quality", borne on a display carton shipped with the article, and the statement "Epsom Salt Tablets", borne on the display carton and on the envelop enclosing the article, were false and misleading in that they represented that the article was Epsom salt tablets, namely, a product composed exclusively of Epsom salt, and that it conformed to the standard of quality laid down in the United States Pharmacopoeia, whereas it did not consist exclusively of Epsom salt but did consist in part of phenolphthalein, and there is no standard of quality for Epsom salt tablets laid down in the pharmacopoeia.

On March 28, 1935, the defendants entered pleas of guilty and the court imposed fines totaling $50.

M. L. Wilson, *Acting Secretary of Agriculture.*

24515. Misbranding of J-W-D Blood Purifier. U. S. v. James W. Dorman (Dorman Chemical Co.). Plea of guilty. Defendant fined $100 and placed on probation for 18 months. (F. & D. no. 32143. Sample no. 39848–A.)

This case was based on the interstate shipment of a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On July 31, 1934, the United States attorney for the Middle District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against James W. Dorman, trading as the Dorman Chemical Co., Concord, N. C., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about June 1, 1933, from the State of North Carolina into the State of Georgia of a quantity of J-W-D Blood Purifier which was misbranded. Enclosed in each package of the product was a bottle containing a liquid, an envelope containing white pills, and a tin box containing blue pills and gelatin capsules.

Analyses showed the liquid to consist essentially of arsenic, potassium, and sodium compounds and a small proportion of salicylic acid and water, flavored with cinnamon oil; that the white pills consisted essentially of extracts of plant drugs, including aloe, podophyllum, and scammony, a compound of mercury and volatile oils including oil of peppermint and oil of cloves; that the blue pills consisted essentially of methylene blue, oil of santal and mass of copaiba; and that the gelatin capsules were filled with a green-colored oil containing oil of santal, a salicylate, and a fatty oil.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the bottle label, and in a circular shipped with the article, falsely and fraudulently represented that it was effective as a blood purifier and as a general reconstruction tonic for such ailments as nervousness and stomach disorders; effective as a treatment, remedy, and cure for pellagra, kidney trouble, heart trouble, high blood pressure, stomach trouble, nervousness, run down condition, gallstone, skin disease, underweight, ulcerated stomach, and any kind of stomach or bowel trouble.

On October 15, 1934, the defendant entered a plea of guilty and was fined $100 and placed on probation for 18 months.

M. L. Wilson, *Acting Secretary of Agriculture.*

24516. Misbranding of Steketee's Pin Worm Destroyer, Steketee's Worm Destroyer in Syrup, and Steketee's Neuralgia Drops. U. S. v. George E. Steketee (Steketee's Family Medicines). Plea of guilty. Fine, $200. (F. & D. no. 32193. Sample nos. 5497–A, 5498–A, 5499–A, 5500–A.)

This case was based on interstate shipments of drug preparations which were misbranded because of unwarranted curative and therapeutic claims appearing in the labeling.

On September 20, 1934, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against George E. Steketee, trading as Steketee's Family Medicines, Grand Rapids, Mich., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, from the State of Michigan into the State of Illinois, on or about March 3, 1932, of quantities of Steketee's Neuralgia Drops; and on or about June 25, 1932, of quantities of Steketee's Pin Worm Destroyer in tablet and powder form, and Steketee's Worm Destroyer in Syrup, which were misbranded.

Analyses by this Department showed that the Pin Worm Destroyer in tablet form consisted essentially of potassium nitrate, sulphur, phenolphthalein, plant material including chenopodium, a small proportion of an iron compound, calcium carbonate, and sugar; that the Pin Worm Destroyer in powdered form consisted essentially of potassium nitrate (24.7 percent), sulphur (19.9 percent), phenolphthalein (3.7 percent), plant fiber such as seed hulls (29.3 percent), chenopodium, a trace of an iron compound and calcium carbonate; that the Worm Destroyer in Syrup consisted essentially of small proportions of potassium, sodium, calcium, iron salts, chenopodium oil, anise oil, extract of a plant drug, sugar, and water; and that the Neuralgia Drops consisted essentially of resinous and camphoraceous substances, ammonia (0.26 percent), alcohol (45 percent), and water.

The articles were alleged to be misbranded in that certain statements, designs, and devices regarding their curative and therapeutic effects, appearing in the labeling, falsely and fraudulently represented that the Pin Worm Destroyer in tablet form was effective as a relief from worm fits, worm spasms, worm fever, epileptic fits, and all kinds of worms; effective to purify the blood; that the Pin Worm Destroyer in powdered form was effective as a relief from worm fits, worm spasms, worm fevers, and epileptic fits; effective as a destroyer of all forms of worms; effective to cleanse the stomach and to purify the bowels; effective as a relief from various forms of convulsions and nervous affections; that the Worm Destroyer in Syrup was effective as a worm destroyer; effective as a destroyer of all forms of worms; effective to cleanse the stomach, to purify the blood and to relieve epilepsy or fits, and various forms of convulsions and nervous affections; effective as a remedy for foul breath, spasms, restlessness at night and fainting fits in children; effective to keep children healthy; effective to cause healthy, restful sleep; and that the Neuralgia Drops were effective as a remedy for neuralgia, rheumatism, kidney, and liver complaints, chronic headache, pains in the back, and toothache; and effective as a remedy for old

sores on man or beast; effective as remedy for backache, neuralgia of the womb, ulcerations of the womb, inflammation of the womb, and local discharges or whites; and effective as a wonderful remedy for neuritis, rheumatism, arthritis, and all pain in any form.

On November 7, 1934, the defendant entered a plea of guilty and the court imposed a fine of $200.

M. L. Wilson, *Acting Secretary of Agriculture.*

24517. Adulteration of aromatic spirits of ammonia, spirits of camphor, and citrate of magnesia; adulteration and misbranding of tincture of iron chloride and extract of vanilla compound; and misbranding of Dewees Carminative. U. S. v. Richard Gailliard Dunwody (R. G. Dunwody & Sons). Plea of guilty. Sentence suspended and defendant placed on probation for one year. (F. & D. no. 32205. Sample nos. 39352–A, 39353–A, 39354–A, 39966–A, 39971–A, 39975–A.)

This case was based on interstate shipments of aromatic spirits of ammonia, tincture of iron chloride, spirits of camphor, and citrate of magnesia which fell below the standard prescribed by the United States Pharmacopoeia. The case also covered a lot of Dewees Carminative that contained undeclared morphine and alcohol, and of a lot of alleged extract of vanilla compound which consisted of an artificially colored imitation composed in part of vanillin and coumarin containing less alcohol than declared on the label.

On October 12, 1934, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Richard Gailliard Dunwody, trading as R. G. Dunwody & Sons, Atlanta, Ga., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about July 20, 1933, from the State of Georgia into the State of Florida of a quantity of Dewees Carminative which was misbranded, and of quantities of spirits of camphor and citrate of magnesia which were adulterated; and on or about July 29, 1933, from the State of Georgia into the State of Florida of a quantity of aromatic spirits of ammonia which was adulterated, and of quantities of tincture of iron chloride and extract of vanilla compound, which were adulterated and misbranded. The articles were labeled variously: "Dunwody's Aromatic Spirits Ammonia"; "Dunwody's Tinct. Iron Chloride"; "Dunwody's Extract Vanilla Comp. Alcohol 15%"; "Dunwody's Dewees Carminative"; "Dunwody's Spirits Camphor" and "Dunwody's Citrate of Magnesia"; "R. G. Dunwody & Sons Atlanta, Georgia."

The information alleged that the aromatic spirits of ammonia, tincture of iron chloride, spirits of camphor, and citrate of magnesia were adulterated in that they were sold under and by names recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia official at the time of investigation in the following respects: The aromatic spirits of ammonia contained less than 18.39 grams, namely, not more than 15.05 grams of ammonia per 1,000 cubic centimeters, whereas the pharmacopoeia provides that the article shall contain not less than 18.39 grams of ammonia per 1,000 cubic centimeters; the tincture of iron chloride contained less than 4.48 percent, namely, not more than 1.7 percent of iron, whereas the pharmacopoeia provides that tincture of iron chloride shall contain not less than 4.48 percent of iron; the spirits of camphor contained less than 9.5 grams, namely, not more than 9.08 grams of camphor per 100 cubic centimeters, whereas the pharmacopoeia provides that spirits of camphor shall contain not less than 9.5 grams of camphor per 100 cubic centimeters; the citrate of magnesia contained magnesium citrate corresponding to less than 1.5 grams, namely, not more than 0.837 gram of magnesium oxide per 100 cubic centimeters, and 10 cubic centimeters of the solution was found to require less than 9.5 cubic centimeters, namely, not more than 3.1 cubic centimeters of half-normal sodium hydroxide to neutralize the free acid; and the article contained magnesium sulphate corresponding to 0.845 gram per 100 cubic centimeters, whereas the pharmacopoeia provides that solution of magnesium citrate, namely, citrate of magnesia shall contain in each 100 cubic centimeters, magnesium citrate corresponding to not less than 1.5 grams of magnesium oxide, that 10 cubic centimeters of the solution should require not less than 9.5 cubic centimeters of half-normal sodium hydroxide to neutralize the free acid; and the standard of strength, quality, and purity of the articles was not declared on the container thereof.

Adulteration of the extract of vanilla compound was alleged for the reason that an artificially colored imitation product composed in part of vanillin and

coumarin, had been substituted for extract of vanilla compound, which the article purported to be, and for the further reason that it was an article inferior to extract of vanilla compound, namely, an imitation product composed in part of vanillin and coumarin, and was artificially colored with caramel so as to simulate the appearance of extract of vanilla compound, and in a manner whereby its inferiority was concealed.

Misbranding of the tincture of iron chloride was alleged for the reason that the article contained alcohol and the label on the package failed to bear a statement of the quantity or proportion of alcohol contained therein. Misbranding of the Dewees Carminative was alleged for the reason that the article contained morphine and alcohol, and the labels on the package failed to bear a statement of the quantity or proportion of morphine and alcohol contained therein. Misbranding of the extract of vanilla compound was alleged for the reason that the statement, "Extract Vanilla Comp. Alcohol 15%", borne on the bottle label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was extract of vanilla compound containing 15 percent of alcohol; whereas it consisted of an artificially colored imitation product composed in part of vanillin and coumarin, containing less than 15 percent of alcohol.

On March 13, 1935, a plea of guilty was entered and the court ordered that sentence be suspended and the defendant placed on probation for one year.

M. L. WILSON, *Acting Secretary of Agriculture.*

24518. Misbranding of International Stock Food Tonic and International Poultry Food Tonic. U. S. v. International Stock Food Co. Plea of guilty. Fine, $100. (F. & D. no. 32226. Sample nos. 56386–A, 56387–A, 56388–A.)

This case was based on interstate shipments of drug preparations, the labeling of which contained unwarranted curative and therapeutic claims.

On March 5, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the International Stock Food Co., a corporation, trading at Minneapolis, Minn., alleging shipment by said company in violation of the Food and Drugs Act as amended, from the State of Minnesota into the State of Alabama, on or about November 30, 1932, and May 19, 1933, of quantities of International Stock Food Tonic, and on or about October 30, 1933, of a quantity of International Poultry Food Tonic, which were misbranded.

Analyses showed that the stock food tonic consisted essentially of ground plant material including quassia and nux vomica, sodium chloride, and small proportions of calcium carbonate, sodium bicarbonate, iron sulphate, a nitrate, charcoal, and sulphur; and that the poultry food tonic consisted essentially of ground plant material including quassia and sassafras, calcium carbonate, an iron compound, sodium chloride, sodium bicarbonate, charcoal, sulphur, and capsicum.

The articles were alleged to be misbranded in that certain statements, designs, and devices regarding their therapeutic and curative effects appearing in the labeling, falsely and fraudulently represented that the articles were effective: (Stock Food Tonic) to help prevent disease and aid digestion and assimilation; effective as a digestive medicine, blood purifier, and blood tonic; effective to increase red blood corpuscles, improve the appetite, stimulate digestive organs, neutralize the gases, increase the appetite, improve muscular strength, hasten recovery from debilitating diseases, destroy intestinal worms, stimulate intestinal action, give tone to the system and prevent fermentation and putrefaction of the digestive tract; effective as a stomach tonic, a stomach medicine, a gastric antiseptic, a dependable corrective of sour stomach and a splendid alterative and stimulant; effective to help produce pure blood and good health; effective to tone up the system, give new life, and a glossy coat of hair to horses; effective as a treatment, remedy, and cure for epizootic, indigestion, liver trouble, cough, influenza, hide bound, and blood out of order in horses; effective to promote better health for mare and colt, to invigorate stallions and help to produce stronger foals; effective to help prevent disease and insure growth of colts during winter; effective to help increase the quantity of milk and to treat disease in cows; effective to help prevent disease in horses and cattle and to produce a better quality of beef; effective to give health and rapid growth to calves; effective to keep sheep in good health, to treat disease in sheep, to fatten hogs, to cause sows to produce more pigs, to promote rapid

growth of pigs and shoats and to keep them healthy; and effective as a treatment for worms in hogs; (Poultry Food Tonic) to help prevent sickness and disease in poultry; to help regulate the blood, liver, and digestive organs and to stimulate action on the egg-producing organs of the hen; to help make hens lay and to increase the production of eggs; to help promote the growth of young chicks; to help develop strong bone, muscle, abundant plumage, and a large fowl; to prevent chicken cholera; to help invigorate the system, promote and produce good health, purify the blood, stimulate the appetite, and as a help for a strong, active body.

On March 5, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $100.

M. L. Wilson, *Acting Secretary of Agriculture.*

24519. Misbranding of Stardom's Health Diet. U. S. v. 90 Packages of Stardom's Health Diet. Default decree of condemnation and destruction. (F. & D. no. 32687. Sample no. 65442–A.)

This case involved a product the labeling of which represented that it contained ingredients effective in the reduction of surplus weight. Examination showed that the article consisted of common food substances which in themselves could bring about no weight reduction. The article was also represented to contain appreciable amounts of essential vitamins. Tests for vitamin D, however, showed little, if any, present. The labeling was further objectionable because of unwarranted curative and therapeutic claims.

On May 10, 1934, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 packages of Stardom's Health Diet at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about October 6, 1933, by the Hollywood Diet Corporation, from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of water-soluble material including dextrin (43 percent), protein (13.5 percent), fat including cocoa butter (6 percent), plant material, and inorganic constituents including salt. Biological examination showed that it contained but an inconsequential proportion, if any, of vitamin D.

The article was alleged to be misbranded in that the following statements and designs appearing in the labeling were false and misleading: (Package) "Containing vitamins A B C D [Picture of a Woman] Drink a Meal The Dawn Of a New Era A beautiful figure need no longer be a matter of birthdays. Stardom's Health Diet has taken the drudgery out of weight control and made dieting a pleasure. *Don't risk Vitamin Starvation*—a danger that gives no warning! Stardom's Health Diet not only satisfies your appetite but supplies your system with vitamins, A-B-C and D and is rich in proteins and minerals, giving it the food value and dietary elements so necessary in the maintenance of good health. Surplus fat soon disappears as this slenderizing health drink supplies nourishment without the excess Calories. Stardom's Health Diet is easily assimilated and rich in nerve building elements. It could well be called the 'Miracle Food.' Beware of weakening and harmful drug diets for beauty comes from within. Health and a beautiful figure are now synonomous and within the reach of all. Directions Add one heaping teaspoon of Stardom's Health Diet to a cup of coffee, tea, milk or water. Stir well and drink slowly. Substitute a cup of Stardom's Health Diet for breakfast, lunch, or both, but eat your customary dinner. You can hasten results by going light on fatty meats, starchy foods and pastries. Should you feel the pangs of hunger between meals, or before retiring, enjoy another cup of this nutritious health drink. If taken before retiring, add a teaspoonful of Stardom's Health Diet to a cup of water or milk, without the fear of spending a restless night. Sip It—And Sleep. Stardom's Health Diet can be taken as often as desired, as it is a Non-Fattening Pure Food Product * * * Rich in Vitamins Reduce With Safety"; (circular) "[Picture of a woman] Secret To Slender Loveliness Don't Envy a Beautiful Figure Attain One! You can now Safely lose 4 to 7 pounds a week without taking Laxatives, Drugs, Salts, Medicinal Herbs Or Exercises Stardom's Hollywood Diet * * * Contains vitamins A, B, C, D and E * * * This is to certify that Stardom's Hollywood Diet is a Pure Food Product containing Vitamins A, B, C, D and E, along with an abundance of Proteins and Minerals. Stardom's Hollywood Diet is so well balanced and contains such complete and superior Proteins, Minerals

and Vitamins, that it can well replace meats, eggs, fish, fowl, butter, cheese, bread, etc. It will maintain the necessary reserve of the human body with nourishing elements that will not end in Fat. * * * This product should prove very valuable as a dietary aid and supplement as it has definite commendable values as a human food and does not contain fat-producing qualities. * * * [picture of a woman standing on scales] The Origin Of Stardoms In keen, competitive Hollywood, beauty is fame, and fame is attended with its individual problems. Their greatest problem to to retain a beautiful figure without sacrificing their vitality and freshness in spite of the strenuous studio hours, and the great deprivation of food, in order to retain extreme slenderness for the exaggerating camera lens. Hollywood turned to modern science to solve its problem. After years of research work, science answered with the discovery of this Miracle Health Food. Thus the Dawn of a New Era—and the birth of Stardom's Hollywood Diet. Reduce The Hollywood Way. The entire movie colony refer to Stardom's as 'Filmland's Miracle Food' as it won the instant favor of screen stars and celebrities everywhere. It is now available for general use and sold by the Hollywood Diet Corporation under the registered trade name of Stardom's Health Diet. You do not, however, need a screen star's income to take advantage of Hollywood's new amazing discovery, for every package contains a generous 30 days' supply and is priced at only $2.00. Think of it—30 delicious slenderizing Hollywood lunches at a cost of only a few cents a day. You actually save money while banishing your unsightly, ugly fat the Hollywood way. Beware of Weakening And Harmful Drug Diets Why take Harmful Laxatives that rob your system of the moisture it needs, or upset your glandular system with Dangerous Drugs. In controlling your weight, it is no longer necessary to impair your health. Stardom's Health Diet substituted for breakfast or lunch not only satisfies your appetite but supplies your system with Vitamins A, B, C, D, and E, along with the Minerals and Proteins so necessary in the maintenance of good health. Surplus Fat soon disappears as this slenderizing health drink supplies nourishment to your body without the excess Calories. That in itself is the secret of its reducing effect when taken in place of a Fat-Forming Meal. Directions This wonderful new discovery enables you to banish your annoying, ugly fat without the slightest discomfort. Simply substitute a cup of this delicious slenderizing health drink for your breakfast, and for one other fat-forming meal each day, but enjoy one adequate meal daily. Your system needs a certain amount of bulk and receives it from this one meal. In preparing Stardom's Health Diet, add a heaping teaspoonful to a cup of coffee, tea, milk or water, stir well and sip slowly. It will not only satisfy those annoying pangs of hunger, but will supply your system with the proper nourishment and Vitamin Protection it really needs. That is why you can miss one or two fat-forming meals each day without sacrificing your vitality and freshness for you will not spend a hungry moment. What's more, you will not only look better, but will actually feel better than you have for years. Stardom's in itself does not reduce you, for it does not contain any laxatives, thyroid extract, salts or drugs of any kind. It is a Pure Food Product and is therefore as Safe as the very food served daily in your home. The one or two fat-forming meals, that only Stardom's make it possible for you to miss, is what enables you to say 'Goodbye' to your annoying, unsightly fat. Your own common sense will tell you that this is the one, easy, pleasant, but most important of all, absolutely Safe way to control your weight. Now, then, do you wonder why men and women by the thousands are adopting Hollywood's new delightful way of losing 4 to 7 pounds a week. Avoid Midnight Lunches Bulky foods eaten before retiring are not properly assimilated and are therefore turned into disfiguring ugly fat. It is not necessary to retire hungry, however, for hunger lowers your resistance. Simply enjoy another drink of Stardom's Health Diet without the fear of spending a restless night. If taken before retiring, add a teaspoonful to a glass of warm milk or water—sip it—and sleep. Stardom's is a concentrated Pure Food Product in powder form and is therefore immediately assimilated and converted into energy and not Fat. It satisfies those annoying pangs of hunger without overtaxing and causing your glandular system to work overtime. Remember, your digestive organs also need a rest if they are to function properly. * * * Don't risk Vitamin Starvation—a danger that gives no Warning. Form a Habit of supplying your system with a generous amount of Vitamins, Proteins and Minerals at the time of the day when your system needs

nourishment. 'Drink A Meal.' Stardom's Health Diet is easily and quickly assimilated and therefore is immediately converted into energy. You will receive Extra Dividends from this Added Energy. Be Fit—Not Fat. * * * Slender beauty is Now placed within Your reach * * * Stardom's moulds your body into slender loveliness. Almost before you realize it, you will find your bulgy, flabby lines becoming firm, slender and attractive. * * * Sip those extra pounds away."

Misbranding was alleged for the further reason that the following statements, appearing in the labeling, were statements regarding the curative and therapeutic effects of the article and were false and fraudulent: (Package) "Health Diet A Reducing Aid"; (circular) "Science Scores Again Modern science has at last given an eager waiting world a reducing aid in 'Stardom's Health Diet', which has taken the drudgery, torture, but most important of all, danger out of weight control, and made dieting a pleasure. A beautiful figure need no longer be a matter of birthdays, as this new discovery places radiant health and slender loveliness within reach of all. * * * Drink A Daily Meal of Stardom's To Health and Beauty Be Fit—Not Fat Being fit is not a question of vanity, but a question of good common sense. You would not think of carrying a couple of pails of water around with you from early morning until late at night. Yet, you will carry 15 to 20 pounds of disfiguring ugly fat around allowing it to not only sap your vitality, but actually rob you of your physical attractiveness. Surplus Fat not only slows you up, but actually shortens your life, and you can readily see why. Surplus Fat overloads and places a dangerous strain on your heart, kidneys and liver, causing them to wear out before their time. That is why physicians and insurance companies say, 'Your waistline is your life line.' Stardom's Health Diet will add years to your life—and life to your years. * * * For your appearance and health's sake, form the habit of substituting Stardom's Health Diet for your lunch. * * * Stardom's Health Diet."

On February 15, 1935, the case having been called and no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24520. Adulteration and misbranding of whisky. U. S. v. 8 Cases and 10 Bottles of Whisky. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 32738. Sample no. 41448-A.)

This case involved a product labeled whisky, which failed to conform to the requirements of the United States Pharmacopoeia. The package also failed to bear on its label a statement of the percentage by volume of alcohol contained in the article.

On May 24, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 cases and 10 bottles of whisky at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about February 1, 1934, by the Brown-Forman Distillery Co., from Louisville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "White Mills Straight Whisky."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statements on the label, "For Medicinal Purposes Only" and "Straight Whisky", were false and misleading. Misbranding was alleged for the further reason that the package failed to bear on its label a statement of the quantity or proportion of alcohol contained in the article.

On December 21, 1934, a claim of ownership having been entered admitting the material allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

M. L. Wilson, *Acting Secretary of Agriculture.*

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24521. Misbranding of Murrmann's Compound. U. S. v. Mrs. Annie Elizabeth Murrmann (Murrmann's Compound Laboratory). Plea of guilty. Fine, $100. (F. & D. no. 32904. Sample no. 45961–A.)

This case was based on an interstate shipment of a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On August 21, 1934, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mrs. Annie Elizabeth Murrmann, trading as Murrmann's Compound Laboratory, Danville, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about July 7, 1933, from the State of Illinois into the State of Wisconsin, of a quantity of Murmann's Compound which was misbranded.

Analysis showed that the article consisted essentially of small proportions of creosote and iron chloride, sugar, glycerin, and water.

The article was alleged to be misbranded in that certain statements regarding its therapeutic and curative effects, appearing on the bottle label and carton, and in a circular shipped with the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for functional disorders of the lungs and all ailments resulting from coughs and colds, sore throat, bronchitis, asthma, minor affections of the throat and head, severe lung trouble, children with fever and children in a run-down condition, tuberculosis, pneumonia, flu, nervousness, catarrh of the head, and all respiratory diseases; effective as a sure relief for these ailments, and as a preventive of tuberculosis and pneumonia; effective as a wonderful appetite and rich red blood builder for children, and to keep them growing, strong and healthy; and effective as a strengthening tonic and to increase weight.

On January 5, 1935, the defendant entered a plea of guilty, and the court imposed a fine of $100.

M. L. Wilson, *Acting Secretary of Agriculture.*

24522. Misbranding of Stardom's Hollywood Diet. U. S. v. 42 Cases, et al., of Stardom's Hollywood Diet. Default decrees of condemnation and destruction. (F. & D. nos. 32965, 32966, 33013, 33014, 33015. Sample nos. 62764–A, 62765–A, 62771–A, 62775–A, 71526–A, 71578–A.)

These cases involved a product which was misbranded because of unwarranted therapeutic and curative claims in the labeling. A portion of the article was found to be short weight.

On June 18 and June 28, 1934, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 54 cases and 159 packages of Stardom's Hollywood Diet, in part at Buffalo, N. Y., and in part at Rochester, N. Y. On June 23, 1934, a libel was filed in the Northern District of New York against 159 packages of the product at Syracuse, N. Y. On December 27, 1934, an amended libel was filed in the Northern District of New York. It was alleged in the libels that the article had been shipped in interstate commerce, between the dates of March 1 and June 14, 1934, by the Hollywood Diet Corporation, from Chicago, Ill., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analyses of samples showed that the article consisted essentially of sugar (20 percent), soybean flour, cocoa, and inorganic constituents including table salt.

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects appearing in the labeling were false and fraudulent: "The Dawn Of A New Era In Weight Control A beautiful figure need no longer be a matter of birthdays. The possibility of your having an exciting type of Hollywood figure is now so real as to be actually breath-taking, and to gain it you won't have to go hungry, engage in violent exercises, use drugs or resort to laxatives; all of these methods are taboo. You need sacrifice none of your freshness, none of your vitality. And when you have reduced to your normal healthy weight, you should have no sagging, wrinkled skin, no strained, tired-look or feeling. Not a whit of the sad results so often obtained with strenuous reducing methods. Don't risk vitamin starvation—as beauty comes from within! Stardom's is not a reducing agent in the strict sense of the word, because it is neither drug nor laxative. On the contrary, it is a highly concentrated, delicious, pure food that you can take into your system and convert into energy instead of fat, thereby satisfying every pang of hunger. Stardom's is obviously as pure and safe as the food you eat

. . . Yet fat simply vanishes. * * * Directions. Add one heaping teaspoonful of Stardom's to a glass of milk, water or any of the citrus fruit juices, such as orange, pineapple, grapefruit, tomato or grape juice. This should be taken in place of one or two fat-forming meals daily, followed by a cup of coffee or tea, if desired. However, eat one adequate meal daily, as your system needs bulk for proper elimination. Stardom's instantly dispels hunger, as it supplies your system with food elements which are alive, such as, Vitamins A, B, C, D, and E, six Minerals, namely, lime, phosphorus, potassium, sodium, chlorine, and magnesium, Lecithin, a nerve and brain food, and the carbohydrates necessary to assist normal body activities in burning up existing fat as quickly as it can safely be done. Stardom's could well be named 'Miracle Food' as it is a vitalizer, normalizer, and slenderizer." Misbranding was alleged with respect to a portion of the article, for the further reason that the statement on the label, "Net Contents Seven Ounces", was false and misleading and tended to deceive and mislead the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

The Hollywood Diet Corporation entered an appearance as claimant in each case and filed answers to the original libels. On March 8, 1935, no amended answer having been filed to the amended libel filed in the Northern District of New York, judgment was entered in that case condemning the product and ordering that it be destroyed. On March 12, 1935, the answers filed in the remaining cases having been withdrawn, judgments of condemnation and destruction were entered.

M. L. Wilson, *Acting Secretary of Agriculture.*

24523. Misbranding of Cal-Cod. U. S. v. 7 Cans of Cal-Cod. Consent decree of condemnation and destruction. (F. & D. no. 32987. Sample no. 7952–A.)

This case involved a product which was labeled to convey the impression that it contained the active and important constituents of cod-liver oil. Biological examination, however, showed that it contained no significant amount, if any, of vitamin D, one of the therapeutically active constituents of cod-liver oil. The labeling also bore unwarranted curative and therapeutic claims.

On or about June 23, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven cans of Cal-Cod at Glastonbury, Conn., alleging that the article had been shipped in interstate commerce on or about April 7, 1934, by the Cal-Cod Process Co., from Wappingers Falls, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of a calcium soap.

The article was alleged to be misbranded in that the statements, "Cal-Cod", and "A product embodying Dried Norwegian Cod Liver Oil Principals in highly vitalized form and value", and "Dry mixing eliminates all messy, nasty work of liquid oil mixing", were false and misleading, since they created the impression that the article contained the physiologically active and therapeutically important constituents of cod liver oil, whereas it did not. Misbranding was alleged for the further reason that the following statements appearing in the labeling were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: "Health Growth Vigor * * * Easy to mix with any Poultry or Dairy ration for increased productivity, growth, vigor or vitality."

On March 16, 1935, the Cal-Cod Process Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24524. Misbranding of Korum. U. S. v. 42 Bottles of Korum. Default decree of condemnation and destruction. (F. & D. no. 33016. Sample no. 72507–A.)

This case involved a drug preparation the labeling of which contained unwarranted claims regarding its efficacy in the treatment of the diseases of poultry.

On July 6, 1934, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court

a libel praying seizure and condemnation of 42 bottles of Korum at Lincoln, Nebr., alleging that the article had been shipped in interstate commerce on or about March 28, 1934, by the I. D. Russell Co., from Kansas City, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of sodium chloride (4.8 percent), potassium chlorate (5 percent), potassium dichromate (4.2 percent), magnesium sulphate (1.6 percent), a nitrate, and water.

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent: "Cholera, Coccidiosis, Chicken-pox, Roup or Diarrhea, * * * Poultry Raiser: 'Do you think it is possible to prevent most of these common diseases of poultry?' Answer: Yes. Poultry Raiser: 'How?' * * * It is very often necessary to keep some solution in the drinking water that will kill germs. * * * Korum aids in getting the intestines in a condition so worms will be expelled easily and it aids in healing walls of the intestines that may have been irritated by worms. * * * Poultry Raiser: 'Don't you make a Roup Remedy, Cholera Remedy, Diarrhea Remedy, etc., or in other words, have a remedy for each disease?' Answer: No, as a rule, poultry diseases that are not caused by effects of lice and worms, are caused by germs. Korum kills germs, has tonic properties and aids the fowl in building up its resistance; acts as a mild laxative, helps the fowl throw off poisons that are in its system. Many of the diseases that affect fowls are contracted through the fowl's drinking water, others may be contracted from moldy feeds or things picked up by the fowl. In either case, Korum gets in its work in the drinking water, in the crop or in the intestines. Our experience and tests, as well as results obtained from actual poultry raisers, both large and small, have proven that Korum when used proves very helpful to poultry raisers everywhere in the treatment of germ and intestinal diseases. In fact, so beneficial, we do not deem it necessary to put out so many different remedies. * * * Korum helps the flock to get into condition, quickly guards against disease, and prevents the drinking water from becoming contaminated. Korum is also highly recommended and very beneficial for baby chicks. It is an aid in protecting them from common ailments—simple diarrhea, bowel troubles, etc."

On March 23, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24525. Alleged misbranding of Gizzard Capsule. U. S. v. 18 Packages, et al., of Gizzard Capsule. Tried to the court; judgment for claimant. Libel ordered dismissed and product delivered to claimant. (F. & D. no. 33165. Sample nos. 3330-B, 3331-B, 3332-B.)

On August 8, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel (amended January 24, 1935) praying seizure and condemnation of 47 packages of Gizzard Capsule at Kansas City, Mo., alleging that the article had been shipped in interstate commerce in part on or about October 3, 1933, and in part on or about March 6, 1934, by the Geo. H. Lee Co., from Omaha, Nebr., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of kamala, nicotine (66 milligrams per tablet), copper oxide (371 milligrams per tablet), a small proportion of chenopodium oil, and graphite.

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Package) "For * * * Large Tape Worms and Pin (Ceca) Worms in Chickens and Turkeys * * * For the Removal of * * * Large Tape and Pin (Ceca) Worms in Poultry * * * delivers the medicine, undiluted, fresh and full strength directly upon the worms in the intestines"; (circular) "For * * * Large Tape and Pin Worms in Chickens and Turkeys * * * To lay well, hens must be reasonably free from worms * * * Worm your flock with Gizzard Capsules; * * * to expel the worms * * * the exact full strength dose of worm medicine is emptied into the intestines and reaches the worms."

On February 1, 1935, the Geo. H. Lee Co., having appeared as claimant for the property and a jury having been waived, the case was submitted to the court on the pleadings, evidence, written briefs, and arguments of counsel. On February 2, 1935, the court made the following findings of fact and conclusion of law in favor of the claimant (Otis, *District Judge*):

"This case was instituted by the filing here of a libel on August 8, 1934. Thereafter, on January 4, 1935, an amended libel was filed. In the amended libel it is alleged that certain packages of what was called in the caption and in the body of the libel 'Gizzard Capsules', which it is alleged were at the time of the filing of the amended libel in the possession of the McPike Drug Company of Kansas City, Missouri, were packages of a product which had been misbranded in violation of the Food and Drugs Act, in that there appeared upon the packages and within the packages certain statements with reference to the product which were false and fraudulent.

"The George H. Lee Company has filed in this proceeding its answer to the allegations of the amended libel and its claim to the packages therein referred to. In its answer it denies certain of the allegations of the amended libel.

"The libel is based upon that part of the Food and Drugs Act which declares that an article shall be deemed to be misbranded if the package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of the medicine or any of the ingredients or substance contained therein which is false and fraudulent. The libel charges that the packages referred to in it were labeled and that they were accompanied by circulars in each of which it was represented that the product was for large tape worms and pin (Ascaridia) worms in chickens and turkeys. It alleges that those statements contained in the label and circular were false and that they were made fraudulently. The answer of the claimant denies that the statements in the libel and circular either were false or fraudulent.

"The controverted issues of fact not disposed of by the stipulation and the admissions in the answer are two. The first of these is: Were the statements made in the labels and circulars false? The second is: Were those statements made fraudulently? The burden is upon the plaintiff in this case to prove both that the statements made in the labels and circulars were false and that they were made fraudulently,—to prove those charges and allegations by the preponderance or greater weight of the credible testimony.

"It may be regrettable that such issues of fact as these especially the first, must be submitted to a judicial tribunal, but however regrettable that is, the law does that. In some countries I have been informed in a case of this kind the judge of the court would call to his assistance a lay judge, so-called, learned in the field of science, to aid him in determining such an issue. That is not our system. A judge trained only in the law, necessarily must have some difficulty in deciding such an issue of fact as the first of the two issues which this case presents.

"It is represented in the labels and in the circulars also—I shall not hereafter speak of the circulars since they do not complicate the case in any way—that the drug called 'Gizzard Capsure' is 'for large round worms, large tape worms and in (Ascaridia) worms in chickens and turkeys.' The word 'remedy' does not appear but it may be added because it certainly is implied.

"The evidence clearly discloses the fact that poultry, particularly chickens and turkeys, sometimes are infested with certain parasites known as round worms, large tape worms and pin worms. They are injurious to the poultry which they infest. It is desirable to lessen or entirely to prevent, if that is possible, the injury which follows from the presence of these parasites in the digestive tract of the chicken or turkey. Any remedy which entirely removes large tape worms and therefore puts an end to the injury resulting from their presence if labeled a remedy for large tape worms, certainly could not be said to be falsely so labeled. Any remedy which, although it may not entirely remove such tape worms, may not completely put an end to the injury resulting from their presence, but which lessens that injury, whether permanently or temporarily, if labeled a remedy for large tape worms, cannot be said to be falsely labeled. I cannot believe that anyone reasonably could question that conclusion. The remedy for a disease may not be a complete cure for the disease, but if it lessens the injury which the disease causes, whether temporarily or permanently, is a remedy for that disease and may be truthfully so described. Even a layman may think of many remedies for human diseases which are universally used and whose benefits have been universally recognized which do not cure the disease but only temporarily ameliorate its ravages or perhaps permanently lessen its ill effects. If we may take some very homely illustrations, I do not suppose that aspirin cures headaches but it certainly is a remedy for headaches, having temporarily beneficial effects. I don't suppose Smith's Cough Drops cure colds—I am not trying to advertise Smith's Cough

Drops—but they certainly are a remedy for bad colds and temporarily ameliorate their effects. Passing from such homely illustrations, I have read that for that very severe human disease known as diabetes there is no cure at all but that the injury resulting from it is very greatly stayed by a relatively newly discovered drug known as insulin which puts off the final fatal day and greatly ameliorates the condition of suffering and yet it is not a cure.

"I say that there cannot be any controversy but that any remedy, whether for a human being or for an animal or for a bird which lessens the injury from any particular disease or lessens the injury caused by any particular parasite, if it is represented that it is a remedy for that disease or for that parasite is not falsely so represented. So, the question is this: Does this remedy called 'Gizzard Capsule' lessen the injurious effects resulting from the presence in the digestive tract of a chicken or turkey of large tape worms? Does it lessen the injurious effects resulting from their presence? If it does, then it is not falsely labeled when it is represented that it is a remedy for large tape worms.

"Now, with this somewhat narrowed issue in mind I consider the testimony of the witnesses. For the plaintiff there was testimony here of several gentlemen; for the claimant, several. The witnesses for the plaintiff all were scientific men connected with the Department of Agriculture. The witnesses for the claimant were, some of them, learned in science to some extent at least, and some lay witnesses also. All the witnesses impressed me as honorable men, endeavoring to tell the truth as they believed the truth to be. It is no reflection upon the witnesses for the claimant to say that the witnesses for the plaintiff from the standpoint of training were the better qualified, and perhaps also the less interested. I have always believed that the scientific men connected with the Government were men of fine ability. That belief is stronger now than it has been before by reason of the appearance and the testimony of the witnesses who were here for the plaintiff. They are very exceptional and very able men, highly learned and very fair.

"When all of the testimony is considered, can it be said that it has been proved here by the preponderance or greater weight of the credible testimony that the injury resulting from the presence of large tape worms in poultry, are not lessened by this remedy by the contents of these Gizzard Capsules?

"Well, what is the injury which results from the presence of tape worms in chickens? All I know about it is what I have learned here. I never before knew that chickens had tape worms and I am sorry to learn it now. These tape worms have been described by the witnesses, pictures of them have been offered in evidence here, specimens of them have been offered in evidence here. A tape worm, it appears, consists of a head and a neck and a body, if you may use that word; I think it was used by the witnesses. It may be of varying lengths. Large tape worms, it appears, are in length from a half inch to four or five or six or more inches. It fastens itself upon the interior wall of the intestine of the bird and the head of it and part of its body may penetrate at least the inner surface of that wall. It injures the bird in two ways—it seems to me from the evidence it injures it in two ways. The chief injury which it does is that it perforates the intestinal wall of the bird and may cause some infection in that wall. That is the chief injury which it does. It is a strange sort of an organism, this tape worm. It absorbs its own nutriment, not only at the head but in every segment of its body. The nutriment upon which it lives is that which it draws either from the body of the bird or from the food which it has ingested. I do not know whether this remedy here in question destroys the heads of tape worms or does not. I should be inclined to believe that the plaintiff's witnesses, being the better qualified perhaps and better prepared and less interested right, that is to say that the heads are not destroyed by this remedy. I cannot believe, however, that the presence of a foreign body in the digestive tract in the intestine which may be half an inch or six inches in length, which absorbs food values that otherwise would go to the bird, especially if multiplied by hundreds—I cannot believe that they have no injurious effects whatever on that account. The intestine of a chicken seems to be small. To say that the health of a chicken is not injured by the presence of a great quantity of foreign matter in the intestine attached to the wall of the intestine, and every part of which absorbs something that otherwise would feed the chicken, to say that that is of no injury whatever seems to me would be a conclusion that a scientist could hardly reach. Certainly if a human being had any such mass of stuff in his intestines it would not be thought to be otherwise than injurious to his health. I am unable to escape the conclusion from this testi-

mony that this remedy, this Gizzard Capsule and its contents, or rather its contents does have the effect of sweeping out of the intestine at least the bodies as I have described them, of large tape worms. Almost that was conceded by the witnesses for the plaintiff. The principal of the witnesses for the plaintiff, said—I understood him to say at least, that the reason this drug did not remove or affect the heads of parasitic forms was that it could not reach them, that it only sheered them away from the intestinal walls, swept them away. If it does, it cannot be said that it does not to some degree at least lessen the injury resulting from the presence of the parasites known as large tape worms. It may be only temporarily that it does that, but it does it temporarily. If it lessens the injury resulting from the presence of the parasites, and if on that account it improves the health of the bird it is not falsely labeled when it is labeled a remedy for large tape worms.

"This remedy is also labeled a remedy for pin worms. Without taking up too much time I think it cannot be said that the plaintiff has proved by the preponderance or greater weight of the credible testimony that this remedy does not have some benefit in removing some portion of the pin worms which may infest a chicken. I have no doubt that the quantity of such worms in a given chicken, whether the number is great or small, may have something to do with the injury resulting from their presence; at least there has been no evidence that the number of such worms has nothing to do with the injurious effects on the chicken. I suppose that one worm is less injurious than a thousand and that six are less injurious than a hundred. I am not prepared to say that this remedy is clearly shown to be meritorious so far as pin worms are concerned. I say only that it has not been proven that it is not of some value with respect to them.

"I do not need to say that the purpose of the Pure Food and Drugs Act which is to deprive persons of the use of the channels of Interstate Commerce for furtherance of fraud in any matter of misrepresentations as to foods and drugs, that with that purpose every citizen should have the greatest sympathy. I have, but that sympathy with the purpose of that law cannot change or alter in any way the rules of law which are applicable to cases of this character.

"Now, I come to the second issue of fact, although from what I have said it appears that it is not necessary to pass upon that issue of fact. That issue is: Was there fraud in the preparation and publication of these labels and circulars? There could not be fraud if they were not false. Therefore, the determination of the first issue determines the second but the second issue could be determined upon other considerations, even if it had been determined that the labels were false and that the circulars were false. If the manufacturer or vendor of these Gizzard Capsules honestly and sincerely believed that they were remedies for tape worms and pin worms, then that manufacturer could not have been guilty of fraud, even if they were wholly valueless and inefficacious. It was proper for the manufacturer to endeavor to satisfy himself as to whether the remedy was good for tape worms and pin worms. The point I am making is that the manufacturer was not bound by the conclusions reached by the scientists in the Department of Agriculture. They render a great service but they are not given the power to decide questions finally and ultimately. They can be decided only by courts. The question as to whether a given label is false or a given circular is false, is a question for the courts. The claimant manufacturer had a right to make his own investigations and it made those investigations, and if from them it sincerely believed this remedy was one that was effective for tape worms and pin worms it was not bound to discontinue its business until it could convince the scientists in the Department of Agriculture. It was under no obligation to do that. It had a right to continue its business and to submit the issue ultimately to a court. Even if I should believe that the conclusion testified to by the witnesses for the Government were correct that these capsules were of no value whatever against tape worms and pin worms, I could not believe that the claimant here did not have some support for its contention that it honestly believed that they were effective remedies. Investigations which were made by representatives of the claimant were as thorough as some made by the Department of Agriculture, perhaps by men not so well trained. They were reported to the officers of the claimant by the men who made the investigations and they were honestly reported to the claimant. There can be no question about that last statement. If these investigations had not

been honestly reported to the claimant, if the results were falsely represented by the men who made the investigations, they certainly would have done a better job of making the false statements than they testified to. They testified to the results almost as variable as testified to by the witnesses for the Government.

"I have no doubt that the Government has not proved that there was no fraud in the preparation and circulation of the labels and circulars referred to in the libel.

"1. In addition to the facts which in a general way already have been found, I find that the label and circular referred to in the amended libel introduced in evidence, in so far as they represent that the remedy called 'Gizzard Capsule' was a remedy for large tape worms, do not contain false representations and are not false.

"2. I find that in so far as the label speaks of the 'Gizzard Capsule' as a remedy for pin worms it has not been proven that so much of the label and so much of the circular in which like language appears is false.

"3. I find that the claimant in this case, the George H. Lee Company, in publishing and circulating and attaching to its package labels and circulars referred to in the amended libel, was not guilty of any fraud and that the labels and circulars are not fraudulent.

"*Conclusion of law.*—Upon the facts found I conclude as a matter of law that the plaintiff is not entitled to the relief asked in the amended libel.

"Counsel for the claimant may prepare and submit to the Court for approval an entry a form of judgment in this case.

"To the conclusions of law which the court has stated and also to the findings of fact, and to each of them, the plaintiff is allowed an exception."

On February 18, 1935, judgment was entered ordering that the libel be dismissed and the product delivered to the claimant.

M. L. WILSON, *Acting Secretary of Agriculture.*

24526. Misbranding of Calso Water. U. S. v. 475 Bottles of Calso Water. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 33166. Sample no. 73665–A.)

This case involved a product the labeling of which contained false and misleading claims as to its composition, also unwarranted curative and therapeutic claims.

On August 7, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 475 bottles of Calso Water at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 17 and June 7, 1934, by the Calso Co., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of a carbonated solution of calcium, magnesium and sodium salts including phosphate, chloride, and bicarbonate.

The article was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading: "Made with distilled water and the salts normally present in the human body." Misbranding was alleged for the further reason that the following statements, "It is very efficient in the treatment of the acid conditions of the body fluids and tissues which recent research has shown to be present in most of the acute and chronic diseases", were statements regarding the curative or therapeutic effects of the article and were false and fraudulent.

On March 13, 1935, the Calso Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

24527. Misbranding of Dietene. U. S. v. 36 Bottles [67 Bottles] of Dietene. Default decree of condemnation and destruction. (F. & D. no. 33096. Sample no. 56627–A.)

This case involved a product sold as a reducing diet. Examination showed that it contained no ingredients which would produce the reduction in weight claimed, and that the labeling contained unwarranted curative and therapeutic claims.

On July 20, 1934, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 bottles of Dietene at La Crosse, Wis. On August 16, 1934, the libel was amended to cover 67 bottles of the product. It was alleged in the libel as amended that the article had been shipped in interstate commerce on or about July 10 and July 21, 1934, by the Dietary Foods Co., from Minneapolis, Minn., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of ordinary food substances including dried milk, malt extract, sugar, wheat germ, wheat bran, cacao powder, and salt, flavored with vanilla.

The article was alleged to be misbranded in that the references in the following statements appearing in the labeling, relative to its effectiveness in weight reducing, were false and misleading, and that those relative to its curative and therapeutic effects were false and fraudulent: "Dietene Reduces correctly * * * Dietene reduces over-weight promptly and surely because by it the day's Calories are cut about one-third. Dietene is a reducing diet of pure foods in concentrated form which has a number of distinct advantages over bulk food diets. * * * It embodies all the reducing diet principles used by the nutritional experts in the professional field * * * The full regular main meal provides necessary bulk and the essential carbohydrates for proper burning of the fats which the body is giving off during the relatively rapid reducing which Dietene accomplishes * * * The Dietene-Diet is economical, as it only costs one-third or one-half of regular meals it replaces. It Positively Contains No * * * Salts * * * Directions for Use: Whip, beat, or shake in a covered jar 4 big heaping teaspoonsful of Dietene with an ordinary glass of water. This constitutes a complete reducing-diet meal. Replace usual breakfast and lunch with Dietene—or lunch only if slow reduction of weight is desired. Protects Health * * * Its superior proteins (derived from dairy and vegetable sources), mineral salts and vitamins, fully protect health while reducing."

On November 9, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24528. Adulteration and misbranding of Restorax Cheno Tablets, and misbranding of Instant Alberty's Food. U. S. v. 11 Cans of Instant Alberty's Food and 119 Boxes of Restorax Cheno Tablets. Products released under bond to be relabeled. (F. & D. nos. 33268, 33269. Sample nos. 816-B, 818-B.)

These cases involved products the labeling of which contained unwarranted curative and therapeutic claims. Examination of the Restorax Cheno Tablets showed that they were below the standard of quality represented, since they were represented to contain no drugs; whereas they contained a laxative plant drug, and that the composition was not in agreement with the composition indicated in the labeling.

On August 22, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 11 cans of Instant Alberty's Food and 119 boxes of Restorax Cheno Tablets at Portland, Oreg., alleging that the articles had been shipped in interstate commerce on or about May 5, 1934, by U. S. Okey, from Wilmington, Calif., and charging misbranding of both products and adulteration of the Restorax Cheno Tablets, in violation of the Food and Drugs Act as amended.

Analyses showed that the Restorax Cheno Tablets contained plant materials including a laxative plant drug, and that the Instant Alberty's Food consisted of a mixture of powdered skim milk and plant material including starch.

The Restorax Cheno Tablets were alleged to be adulterated in that their strength and purity fell below the professed standard of quality under which they were sold, namely, (booklet entitled "Cheno Keep or Regain that Youthful Figure", a supply of which was shipped by the manufacturer to the consignee) "These tablets do not contain drugs but are composed of food substances, * * * Four Cheno Restorax Tablets contain a level teaspoonful of dehydrated vegetables."

Misbranding of the Restorax Cheno Tablets was alleged for the reason that the statement on the label, "Does not contain Drugs * * * Contains Dulse, Irish Moss, and a combination of Dehydrated Vegetables with additional

amounts of Organic Calcium and Phosphates", was false and misleading in view of the actual composition of the article. Misbranding of the Restorax Tablets was alleged for the further reason that the statement on the label, "Restorax", was false and fraudulent, since the article was not a restorative in any sense and in particular was not a restorative of the normal size and shape of the human body as the manufacturer interprets the term in collateral advertising, a supply of which was furnished the consignee.

Misbranding of the Instant Alberty's Food was alleged for the reason that the following statements regarding its curative or therapeutic effects, appearing in the circular accompanying the retail package, were false and fraudulent: "One May Take One Or More Of The Alberty Products And Get Results. The full Alberty's Treatment is not essential but is for those who desire to recover their health in the shortest possible length of time. Regardless of what is wrong—some ailment or a general 'rundown' condition, quicker and more pronounced results are obtained when the full treatment is taken. In most all ailments or 'run-down' conditions, the nervous system is effected and the cells of the body becomes inactive or partially paralized and are not renewed as quickly as when the body is perfectly normal. The daily loss of worn-out cells amounts to about 100 million million. These worn-out cells must not only be eliminated but must be replaced daily to maintain or to rebuild health. * * * Many people take just one of the products and get excellent results. Some take only the Alberty's Food. * * * Alberty's Food Regular or Instant—the body builders. * * * Instant Alberty's Food is a highly concentrated food already prepared with pure, fresh, cow's milk combined with Alberty's Food. * * * Within the past few years, marvelous discoveries connected with the health-giving aspects of milk have been made. Milk is a great help to men and women who want to keep strong, vigorous and youthful. Not only is milk a builder, repairer and invigorator, but it is the only food that really heals and is also used as an antidote for poisons, etc. * * * Alberty's Food * * * Is a cereal derivative containing * * * protein * * * for rebuilding body cells. * * * has 16 life sustaining elements, * * * Alberty's Food, * * * makes of milk a different food * * * It breaks up the dense curd into * * * particles, * * * the digestive juices mingling through these particles, absorbs the healing and life-giving elements in milk."

On December 3, 1934, Ruby Leeds, Portland, Oreg., having appeared as claimant for the Instant Alberty's Food, and having admitted the allegations of the libel, judgment was entered ordering that the product be released to the claimant under bond conditioned that it be relabeled under the supervision of this Department. On December 18, 1934, a decree was entered in the remaining case ordering that the Restorax Cheno Tablets be released under bond to the claimant, Ruby Leeds, conditioned that they be properly relabeled.

M. L. Wilson, *Acting Secretary of Agriculture.*

24529. Misbranding of Palmer's Lotion and Palmer's Lotion Soap. U. S. v. 117 Small Bottles of Palmer's Lotion, et al. Default decrees of condemnation and destruction. (F. & D. nos. 31943, 32035, 33306, 33307. Sample nos. 47412–A, 68170–A, 112–B, 113–B, 114–B.)

These cases involved shipments of Palmer's Lotion and a shipment of Palmer's Lotion Soap, the labeling of which bore unwarranted curative and therapeutic claims. The label of the soap was further objectionable since it bore the false and misleading claim that it contained Palmer's Lotion, analysis having shown that it contained no mercuric chloride, the essential ingredient of Palmer's Lotion.

On February 8 and March 13, 1934, the United States attorneys for the Northern District of California and the District of Vermont, respectively, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 174 bottles of Palmer's Lotion at San Francisco, Calif., and 39 bottles of Palmer's Lotion at Burlington, Vt., alleging that the article had been shipped in interstate commerce by Solon Palmer from New York, N. Y., the former on or about October 7, 1933, and the latter on or about January 5, 1934. On August 30, 1934, the United States attorney for the District of Colorado filed a libel against 157 bottles of Palmer's Lotion and 138 boxes of Palmer's Lotion Soap at Denver, Colo., which had been shipped in interstate commerce, in part on or about July 25, 1933, and in part on or about March 12, 1934, by Solon Palmer, from New York, N. Y. The libels charged that the articles were misbranded in violation of the Food and Drugs Act as amended.

Analyses showed that the Palmer's Lotion consisted essentially of mercuric chloride (0.3 percent), water, and denatured alcohol with a trace of perfume material; and that the Palmer's Lotion Soap contained a small proportion of a zinc compound and no mercuric chloride.

The libel filed in the Northern District of California charged misbranding of the lotion in that the following statements appearing in the labeling were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Carton) "For Eczema, Pimples, Scaly & Unsightly Eruptions * * * Touch a Pimple, * * * With Palmer's Lotion and Forget it"; (folder) "Touch a Pimple * * * With Palmer's Lotion and forget it. * * * A Clear, Healthy Skin * * * the most wonderful remedy yet discovered for unhealthy skin conditions and injuries to the surface of the skin. * * * purifies the healthy skin and works wonders to the diseased or injured parts. * * * For Eczema, Pimples and other Skin Eruptions. * * * takes the soreness from pimples and quickly aids to restore a smooth and unblemished skin. Other skin eruptions yield readily to its healing touch. * * * For Inflamed Eyes or Lids * * * boon for * * * sore lids. * * * helps to restore to the eyes the sparkling clearness of youth and health, * * * aid to a clear, healthy skin. If used for pimples and all skin eruptions it helps to remove these unhealthy conditions. * * * helps the skin to function normally in throwing off impurities"; (circular) "For Eczema, Pimples * * * Granulated Eyelids [similar statements in foreign languages]"; (display cartons) "Well known Remedy for Eczema, Pimples"; (display carton, small size) "For a Clear Healthy Skin. Beautifies by removing Eczema, Pimples, Itching. Scaly Eruptions"; (bottle) "For Eczema, Pimples, Scaly & Unsightly Eruptions * * * Directions for Eczema, Pimples apply with cotton, soft cloth or hand. * * * Granulated eyelids; close the eyes and bathe gently toward the nose." The libels filed in the Districts of Vermont and Colorado also charged misbranding of the lotion in that curative and therapeutic claims in the labeling substantially the same as those quoted above, were false and fraudulent.

Misbranding of the Palmer's Lotion Soap was alleged for the reason that the statement on the label, "Contains the wonderful Palmer's Lotion", and the statement in the circular, "It contains * * * ingredients, including the famous Palmer's Lotion", were false and misleading. Misbranding of the soap was alleged for the further reason that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Carton) "Beautifies by removing skin blemishes * * * This is a toilet soap of wonderful curative properties. It allays every tendency to inflammation, effectually dissipates all redness, * * * pimples, spots, blotches, * * * and other unsightly cutaneous visitations, whether on the face or other part of the person"; (circular) "Healing."

On October 30, November 1, 1934, and June 10, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24530. Adulteration and misbranding of amidopyrine tablets. U. S. v. 4 Bottles of Tablets Amidopyrine. Default decree of condemnation and destruction. (F. & D. no. 33590. Sample no. 15243-B.)

This case involved a shipment of amidopyrine tablets which contained a smaller amount of amidopyrine than declared on the label.

On October 12, 1934, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four bottles of amidopyrine tablets at Tucson, Ariz., alleging that the article had been shipped in interstate commerce on or about August 6, 1934, by the E. S. Miller Laboratories, Inc., from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Tablets * * * Amidopyrine * * * 5 Grains", since the tablets did not contain 5 grains each of amidopyrine, but did contain 3.9 grains each of amidopyrine.

Misbranding was alleged for the reason that the statement, "Tablets * * * Amidopyrine * * * 5 Grains", was false and misleading.

On November 7, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24531. Adulteration and misbranding of mineral oil. U. S. v. 35 Pints and 18 Quarts of Mineral Oil. Default decree of condemnation. Product delivered to Federal institutions. (F. & D. no. 33639. Sample nos. 847–B, 11211–B.)

This case involved an interstate shipment of a product which was represented to be heavy mineral oil, but which failed to conform to the standard established by the United States Pharmacopoeia for heavy mineral oil. The labeling also contained unwarranted curative and therapeutic claims.

On August 30, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 pints and 19 quarts of mineral oil at Olympia, Wash. On October 16, 1934, an amended libel was filed and as amended covered 35 pints and 18 quarts of the product. The amended libel charged that the article had been shipped in interstate commerce in part on or about July 11, 1934, and in part on or about August 18, 1934, by the George E. Madison, Co., from San Francisco, Calif., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the article had a kinematic viscosity of 0.282, whereas the United States Pharmacopoeia provides that heavy liquid petrolatum (heavy white mineral oil) have a kinematic viscosity of not less than 0.381.

The article was alleged to be adulterated in that it was sold under a name, "Mineral Oil * * * Heavy USP", synonymous with the name, "White Mineral Oil Heavy", recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the statement on the label, "Mineral Oil * * * Heavy USP", was false and misleading. Misbranding was alleged for the further reason that the following statement on the label, regarding the curative or therapeutic effects of the article, was false and fraudulent, "One or Two Tablespoonsfuls night and morning will keep the intestinal tract * * * in a healthy condition."

On February 6, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the marshal be authorized to deliver the product to the warden of the United States penitentiary, on McNeils Island.

M. L. Wilson, *Acting Secretary of Agriculture.*

24532. Misbranding of cod-liver oil. U. S. v. 862 Pint Bottles, et al., of Cod Liver Oil. Default decree of condemnation and destruction. (F. & D. no. 33649. Sample nos. 11212–B, 11213–B.)

This case involved an interstate shipment of cod-liver oil the labels of which bore unwarranted curative and therapeutic claims.

On October 9, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 862 pint bottles and 143 quart bottles of cod-liver oil at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about June 13 and September 11, 1934, by McKesson, Langley, Michaels Co., Ltd., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Isdahl & Co Norweigian Cod Liver Oil Manufactured by Isdahl & Company Bergen, Norway * * * Midnightsun Cod Liver Oil * * * National Pharmacy Co. New York Memphis San Francisco."

The article was alleged to be misbranded in that the following statements, "Has been used for years as a treatment for chronic Rheumatism and Gout. It is said to be valuable in the treatment of Pulmonary Consumption. This oil has sometimes been used externally for certain skin diseases", "It exerts a stimulating and alterative influence on the processes of assimilation and nutrition, thereby aiding in the production of healthy tissue", and "Is recommended for * * * anaemics and various cases of mal-nutrition", were statements regarding the curative or therapeutic effects of the article and were false and fraudulent.

On January 19, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24533. Misbranding of Ker-ene. U. S. v. Duncan O. Welty, Sr., and Duncan O. Welty, Jr. (The Welty Co.). Pleas of guilty. Fines, $2. (F. & D. no. 33755. Sample nos. 43913–A, 43914–A, 46979–A.)

This case was based on interstate shipments of a product the labeling of which contained unwarranted curative or therapeutic claims.

On December 20, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Duncan O. Welty, Sr., and Duncan O. Welty, Jr., trading as the Welty Co., Chicago, Ill., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about August 2, 1933, from the State of Illinois into the State of Rhode Island, and on or about August 15, 1933, from the State of Illinois into the State of New Jersey, of quantities of Ker-ene which was misbranded.

Analyses showed that the article consisted of deodorized kerosene.

The product covered by one shipment was charged with being misbranded in that certain statements in the labeling falsely and fraudulently represented that it was effective as a natural remedy for many certain ailments and specific cases; and effective as a treatment and remedy for dandruff and for all hair and scalp disorders; to prevent falling hair; to overcome almost every hair and scalp trouble, common and uncommon; to keep the scalp and hair in a healthy condition, remedy the impoverished condition and cure dandruff. The product in the remaining shipment was charged with being misbranded in that certain statements in the labeling falsely and fraudulently represented that it was effective as a natural remedy for many certain ailments and specific cases; and effective as a treatment, remedy, and cure for asthma, catarrh, hay fever, coughs, croup, foot troubles, lumbago, piles itching and protruding, pneumonia, rheumatism, sciatica, scalp troubles, skin troubles, stiff joints, swelling, sprains, tape worm, long round worm, throat troubles, toothache and wounds; effective to rouse the dormant follicles to energetic action and rout out the disease-producing germs and make it easier for nature to heal the scalp; effective to prevent falling or splitting hair; to invigorate the scalp and keep it healthy and clean, and to bring out the real softness, freshness, and luxuriance of a healthy head of hair; effective as of great value in the treatment of such skin diseases as favus and other associated conditions and chronic dry seborrhea; effective to stimulate the sebaceous glands to healthy action; effective as a treatment, remedy, and cure for pustular eczema, ringworm, and quinsy; effective as a treatment for pyorrhea, salivation, painful gums, and loose teeth; effective to prevent discoloration and decomposition of organic matter, and as a mouth wash to leave the mouth sterile, fresh and clean; effective as a treatment for membranous croup, tonsilitis, bronchitis, laryngitis, hoarseness, simple sore throat, neuralgia, and acute inflammatory condition of the mucous surfaces of the mouth, nose, or throat; effective as a pain lenitive in eruptive conditions of the skin, such as itching eczema, scabies, dermatitis, pimples, hives, inflammation, blotches, and acne; effective as a treatment for scabies, favus, eczema, itching ezema, acute or chronic, wounds, sores, ulcers and snake bites; effective to reduce the swelling and allay the infection; effective for the relief of asthma in its worst form; effective as a relief for tender, sore, aching conditions of the feet; to remove soft corns; as a remedy for sloughing of the skin, and as a treatment for stiff ankles or joints; and effective as a treatment for sore throat, croup and membranous croup in babies.

On February 21, 1935, the defendants entered pleas of guilty and were each fined $1.00.

M. L. Wilson, *Acting Secretary of Agriculture.*

24534. Misbranding of Etsam. U. S. v. Russell M. Evans. Plea of nolo contendere. Judgment of guilty. Fine, $25. (F. & D. no. 33764. Sample no. 59001–A.)

This case was based upon the interstate shipment of a drug product known as Etsam, the labeling of which contained unwarranted curative and therapeutic claims.

On November 7, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Russell M. Evans, Hatboro, Pa., alleging shipment by said defendant in the name of the Etsam Manufacturing Co., in violation of the Food and Drugs Act as amended, on or about August 30, 1933, from the State of Pennsylvania into the State of New Jersey of a quantity of Etsam which was misbranded.

Analysis showed that the article consisted essentially of magnesium and ammonium hydroxides and carbonates, alcohol (2.8 percent by volume), and water flavored with volatile oils including lavender oil and lemon oil.

The article was alleged to be misbranded in that certain statements regarding its therapeutic and curative effects, appearing in the labeling, falsely and fraudulently represented that it was effective as a treatment for gallstones, stomach trouble, disease of the liver and gall bladder; effective to overcome liver and gall-bladder disease, to strike directly at the underlying fundamental cause, to eliminate this cause and to bring about permanent relief; effective as a treatment, remedy, and cure for the distressing symptoms of gallstones in the gall bladder, liver or bile ducts, such as chronic dyspepsia, spells of indigestion, sour stomach, heartburn, severe pains in the pit of the stomach about 2 hours after eating, biliousness, bilious colic spells, pain between shoulder blades, severe burning pains in right side or around the waist line below the ribs, intercostal neuralgia, sick headache, colic, constipation or diarrhoea, blues, piles, sallow, yellow, blotched or itchy skin, bad complexion, gas on stomach or in bowels, anemia, pallor, poor blood, loss of memory, loss of vitality, languor, poor circulation with cold hands or feet, palpitation of heart, or fluttering, irregular or nervous heart, bad taste, coated tongue, light or clay colored stools, dizzy spells, yellow jaundice, vertigo, loss of sleep or nightmare, excessive loss or gain in weight, appendicitis, dyspepsia or ordinary indigestion; effective as a preventive of gallstone colic; to get right at the cause, stop the trouble, remove the symptoms, and give renewed health; effective to correct liver trouble symptoms, any chronic or periodical ailment of the stomach, liver or bowels; and effective to remove the reason for the formation of gallstones, and to increase the flow and strength of the solvo-secretory function, and to rally, fortify, reinforce, and assist nature in the elimination of gallstones.

On March 15, 1935, the defendant entered a plea of nolo contendere, was adjudged guilty and was fined $25.

M. L. Wilson, *Acting Secretary of Agriculture.*

24535. Adulteration and misbranding of Dalginine Capsules. U. S. v. Fred. F. Wanner (Fred. F. Wanner & Sons). Plea of nolo contendere. Fine, $25. (F. & D. no. 33785. Sample no. 58922–A.)

This case was based on an interstate shipment of drug capsules that contained smaller amounts of acetphenetidin and aspirin than declared on the label.

On November 21, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Fred. F. Wanner, trading as Fred. F. Wanner & Sons, Philadelphia, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about January 4, 1934, from the State of Pennsylvania into the State of New Jersey of a quantity of Dalginine Capsules which were adulterated and misbranded. The article was labeled in part: "Capsules Dalginine Aspirin 2 grs. Acetphenetidine 2 grs. * * * Manufactured by Fred. F. Wanner & Sons Philadelphia, Pa."

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each of the capsules was represented to contain 2 grains of aspirin and 2 grains of acetphenetidin; whereas each capsule contained not more than 1.82 grains of aspirin and not more than 1.81 grains of acetphenetidin.

Misbranding was alleged for the reason that the statements, "Capsules * * * Aspirin 2 grs. Acetphenetidine 2 grs.", borne on the label, were false and misleading, since the capsules contained less than 2 grains of aspirin and less than 2 grains of acetphenetidin.

On February 8, 1935, the defendant entered a plea of nolo contendere, and the court imposed a fine of $25.

M. L. Wilson, *Acting Secretary of Agriculture.*

24536. Adulteration and misbranding of citrate of magnesia. U. S. v. Thomas E. Tolleson. Plea of nolo contendere. Fine, $100. (F. & D. no. 33818. Sample nos. 39190–A, 39934–A, 39961–A.)

This case was based on interstate shipments of a product sold under the names "citrate of magnesia" and "solution citrate magnesia." Examination showed that the article failed to conform to the requirements of the United States Pharmacopoeia. Portions of the article were labeled as being as effective and more stable than the pharmacopoeial product, whereas it was not as effective nor was it more stable than the official product.

On January 23, 1935, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Thomas E. Tolleson, a member of a firm trading as the Southern Druggists Exchange, alleging shipment by said defendant in violation of the Food and Drugs Act, on or about August 5 and August 12, 1933, from the State of Georgia into the State of Florida, and on or about August 16, 1933, from the State of Georgia into the State of North Carolina of quantities of citrate of magnesia or solution citrate magnesia which was adulterated and misbranded. The words "Citrate of Magnesia" or "Solution Citrate Magnesia" were blown in the bottles. Portions of the article were labeled in part: "Citrate of Magnesia Eff. Comp. Solution Not a U. S. P. Solution but a revised formula which is as effective and more stable * * * Tolleson Laboratories Manufacturing Chemists Atlanta, Ga."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down therein, in that the product in all shipments contained in each 100 cubic centimeters of magnesium citrate corresponding to less than 1.5 grams of magnesium oxide, the three shipments containing magnesium citrate corresponding to 0.584, 0.622, and 0.635 gram, respectively, of magnesium oxide; in two of the shipments the total citric acid in 10 cubic centimeters of the solution was found to be equivalent to less than 28 cubic centimeters of half-normal sulphuric acid, namely, 20.45 and 20.25 cubic centimeters, respectively, of half-normal sulphuric acid per 10 cubic centimeters of the solution; the article in the three shipments contained sulphates equivalent to 1.662, 1.605, and 1.567 grams, respectively, of magnesium sulphate; whereas the pharmacopoeia provides that solution of magnesium citrate shall contain in each 100 cubic centimeters magnesium citrate corresponding to not less than 1.5 grams of magnesium oxide; that 10 cubic centimeters of the solution shall contain total citric acid equivalent to 28 cubic centimeters of half-normal sulphuric acid, and that the solution shall be free from magnesium sulphate; and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration was alleged with respect to portions of the article for the further reason that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to be citrate of magnesia as effective and more stable than solution citrate of magnesia named in the United States Pharmacopoeia, whereas it was not as effective nor was it more stable than the pharmacopoeial product.

Misbranding was alleged for the reason that the article did not contain the normal ingredients of solution citrate magnesia or citrate of magnesia and was prepared in imitation of solution citrate magnesia or citrate of magnesia and was offered for sale and sold under the name of "Solution Citrate Magnesia" and "Citrate of Magnesia." Misbranding was alleged with respect to portions of the article for the further reason that the statement "Citrate of Magnesia * * * Not a U. S. P. Solution but a revised formula which is as effective and more stable", borne on the label, was false and misleading, since the article was not as effective and was not more stable than solution citrate of magnesia recognized in the pharmacopoeia.

On March 14, 1935, the defendant entered a plea of nolo contendere and the court imposed a fine of $100.

M. L. Wilson, *Acting Secretary of Agriculture.*

24537. Misbranding of Sanovapor Dexene. U. S. v. Sanovapor Laboratories, Inc., Gordon A. Guthrie and Ethelbert Kennedy Walker. Pleas of guilty. Fines, $100. (F. & D. no. 33825. Sample no. 41211–A.)

This case was based on an interstate shipment of a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On January 3, 1935, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sanovapor Laboratories, Inc., Gordon A. Guthrie, and Ethelbert Kennedy Walker, Huntington, W. Va., alleging shipment by said defendants in violation of the Food and Drugs Act, as amended, on or about May 1, 1933, from the State of West Virginia into the State of Wisconsin, of a quantity of Sanovapor Dexene which was misbranded.

Analysis showed that the article consisted of a watery solution containing 0.19 gram of sulphur dioxide per 100 cubic centimeters.

The article was alleged to be misbranded in that certain statements, designs, and devices appearing in the booklet shipped with the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for diabetes, diabetes mellitus, sugar diabetes, diabetic condition, the cause of diabetes, general symptoms of diabetes, such as weak and languid feeling, soreness, and pains in the limbs, emaciation, harsh, dry and itchy skin, distressed and worn expression of the countenance, mental changes, depression of spirits, decline in firmness of character and moral tone, irritability, neuralgia headache, diminishing of sexual inclination and power, visual defects, and temperature below normal; complications of diabetes such as boils and carbuncles, eczema, and gangrene, especially of the feet and legs, pulmonary complications, tuberculosis, lobar pneumonia, eye complications, cataract, optic atrophy, nervous complications, peripheral neuritis, ringing of the ears, deafness, diabetic coma or acidosis, unconsciousness, pain in the head, delirium, rapid and feeble pulse, sweetish odor of the breath, acetone bodies in the urine and nephritis; functional inefficiency of the pancreas.

On March 12, 1935, the defendants entered pleas of guilty and the court imposed fines totaling $100.

M. L. WILSON, *Acting Secretary of Agriculture.*

24538. Misbranding of Kendig & Weaver's K-W Syrup Tar and Horehound Compound. U. S. v. Morris Drug Co. Plea of guilty. Fine, $25. (F. & D. no. 33835. Sample no. 62054–A.)

This case was based on a shipment of a drug preparation, the labeling of which contained unwarranted curative and therapeutic claims.

On January 25, 1935, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Morris Drug Co., a corporation, York, Pa., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about March 14, 1934, from the State of Pennsylvania into the State of Maryland, of a quantity of Kendig & Weaver's K–W Syrup Tar and Horehound Compound which was misbranded.

Analysis showed that the article consisted essentially of extracts of plant drugs including horehound, tar, a calcium compound, chloroform, alcohol, sugar, and water, flavored with sassafras oil.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the bottle label and carton, and in a circular shipped with the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for coughs, hoarseness, whooping cough, croup, asthma, bronchitis, shortness of breath and diseases of the throat, chest, and lungs, and sore throat due to colds; effective as an instant relief for coughs, and as an instantaneous relief for coughs and bronchial troubles; effective as especially efficacious in cases of stubborn croup; and effective when used in connection with K–W Cold Tablets as a treatment, remedy, and cure for severe cases.

On March 20, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $25.

M. L. WILSON, *Acting Secretary of Agriculture.*

24539. Adulteration and misbranding of Dr. J. O. Lambert's Syrup. U. S. v. Albert R. Demers (Dr. J. O. Lambert, Ltd.). Plea of guilty. Fine, $100. (F. & D. no. 33840. Sample nos. 47194–A, 58038–A, 58046–A.)

This case was based on three shipments of a drug preparation known as Dr. J. O. Lambert's Syrup. Examination showed that the article contained less chloroform than declared on the label; that it was not composed of vegetable substances only as represented, but contained mineral substances; and that the labeling bore unwarranted curative and therapeutic claims.

On February 20, 1935, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Albert R. Demers, trading as Dr. J. O. Lambert, Ltd., Troy, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about January 24, October 4, and October 26, 1933, from the State of New York into the States of Massachusetts, Vermont, and Rhode Island, respectively, of quantities of Dr. J. O. Lambert's Syrup which was adulterated and misbranded. The article was labeled in part: (Bottle) "The Renowned Vegetable Discovery * * * Chloroform U. S. P. one minim"; (carton) "Each Ounce Fluid Contains Chloroform U. S. P. 1¼ Minim."

Analyses showed that the article consisted essentially of chloroform, (samples taken from each of the three shipments contained 0.83 minim, 0.91 minim, and 0.946 minim, respectively, of chloroform), creosote, volatile oils including sassafras oil, menthol, and methyl salicylate, small proportions of magnesium sulphate and a benzoate, sugar, and water.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it contained less chloroform than declared.

Misbranding was alleged for the reason that certain statements appearing in the labeling, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective as a relief, treatment, remedy, and cure for coughs, catarrh, bronchitis, and asthma. Misbranding was alleged for the further reason that the statements, "The Renowned Vegetable Discovery" and "Each fluid ounce contains: Chloroform U. S. P. 1¼ minim", with respect to all lots, and the statement "Each Ounce Fluid Contains Chloroform U. S. P. one Minim", with respect to one lot, were false and misleading, since the article was not composed of vegetable ingredients only, but was composed in part of mineral ingredients, and each fluid ounce of the article contained less than 1 minim of chloroform. Misbranding was alleged for the further reason that the article contained chloroform and the label on the package failed to bear a plain and conspicuous statement as to the quantity and proportion of chloroform contained therein.

On March 21, 1935, the defendant entered a plea of guilty, and the court imposed a fine of $100.

M. L. Wilson, *Acting Secretary of Agriculture.*

24540. Misbranding of Germ-X. U. S. v. American Lanolin Corporation. Plea of nolo contendere. Fine, $4. (F. & D. no. 33869. Sample no. 6S357-A.)

This case involved an interstate shipment of a drug product which was misbranded because of unwarranted claims regarding its alleged curative, therapeutic, germicidal, disinfectant, and antiseptic properties.

On February 21, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the American Lanolin Corporation, Lawrence, Mass., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about February 13, 1934, from the State of Massachusetts into the State of New Hampshire, of a quantity of Germ-X which was misbranded.

Analysis of a sample showed that the article consisted essentially of sodium hypochlorite, sodium chloride, sodium carbonate, sodium hydroxide, and water. Bacteriological examination showed that the article was not a germicide, disinfectant, and antiseptic when used as directed.

The article was alleged to be misbranded in that certain statements regarding its curative and therapeutic effects, appearing in the labeling, falsely and fraudulently represented that it was effective as a relief for bunions; effective to prevent and overcome disease of stock; effective as a treatment, remedy, and cure for abortion, retention of afterbirth, barrenness, cowpox, garget, and scours in cattle; effective to disinfect sheaths of bulls; effective as a treatment, remedy, and cure for abortion and eye infection in sheep; effective as a treatment, remedy, and cure for bullnose, cholera, and worms in hogs and pigs; effective to destroy germs and to heal and soothe diseased membranes in poultry; effective as a treatment, remedy, and cure for blackhead, chicken pox, cholera, coccidiosis, roup, and white diarrhoea in poultry; effective to sterilize cuts, to prevent blood poisoning, and to soothe and heal old sores; effective as a treatment and relief for sore throats and tonsilitis, and most of the common skin ailments, such as pimples, eczema, and itch; effective as a treatment, remedy, and cure for influenza; effective as an ideal douche; and effective as a gargle and mouth wash. Misbranding was alleged for the further reason that the following statements appearing in the labeling, (circular) "Its * * * germicidal powers, makes Germ-X an ideal douche—one teaspoonful to two quarts of warm water", (bottle) "Germ-X Germicide * * * Disinfectant Antiseptic * * * Gargle and Mouth Wash; use about five drops in a half glass of water. * * * Feminine Hygiene. The germicidal * * * powers of Germ-X * * * One teaspoon of Germ-X to two quarts of warm water * * * use ½ teacupful of Germ-X in a tub of water", were false and misleading, since the article was not a germicide, was not a disinfectant antiseptic, and was not an antiseptic when used as directed.

The information also charged a violation of the Insecticide Act of 1910, reported in notice of judgment no. 1386, published under that act.

On March 25, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed fines on all charges, the fines on the counts charging violation of the Food and Drugs Act being $4.

M. L. WILSON, *Acting Secretary of Agriculture.*

24541. Misbranding of Industrial Pine Disinfectant. U. S. v. Ira M. Lippel (Industrial Laboratories). Plea of guilty. Fine, $25 and costs. (F. & D. no. 33890. Sample no. 62260–A.)

This case was based on an interstate shipment of a product which was misbranded because of unwarranted claims in the labeling regarding its alleged antiseptic properties.

On January 17, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ira M. Lippel, trading as the Industrial Laboratories, Baltimore, Md., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about May 4, 1934, from the State of Maryland into the State of West Virginia, of a quantity of Industrial Pine Disinfectant which was misbranded.

Analysis showed that the article consisted of soap, water, and pine oil. Bacteriological examination showed that the article was not an antiseptic when used as directed.

The article was alleged to be misbranded in that the statement, "Disinfectant * * * as a douche * * * use a 2% solution", borne on the label of the drum containing the article, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article would act as an antiseptic when used in the dilution recommended; whereas it would not act as an antiseptic when used in the dilution recommended.

The information also charged a violation of the Insecticide Act of 1910, reported in notice of judgment no. 1391, published under that act.

On February 7, 1935, the defendant entered a plea of guilty and the court imposed a fine of $25 and costs on each charge.

M. L. WILSON, *Acting Secretary of Agriculture.*

24542. Misbranding of Pulmoseptone, Poultry Cholera Tablets, and B. I. S. Ointment. U. S. v. J. F. DeVine Laboratories, Inc. Plea of guilty. Fine, $150. (F. & D. nos. 33849, 33891. Sample nos. 43745–A, 51833–A, 51834–A.)

This case was based on shipments of Pulmoseptone and Poultry Cholera Tablets, the labeling of which contained unwarranted curative and therapeutic claims; and a shipment of B. I. S. Ointment, the labeling of which contained unwarranted germicidal claims.

On March 29, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against J. F. DeVine Laboratories, Inc., New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about November 6 and November 14, 1933, from the State of New York into the State of New Jersey of quantities of Pulmoseptone, Poultry Cholera Tablets, and B. I. S. Ointment which were misbranded.

Analysis of the Pulmoseptone showed it to be a red liquid consisting of guaiacol, rosin, water, turpentine, and camphor. Apparently some of the rosin acids were neutralized with sodium carbonate. Analysis of the Poultry Cholera Tablets showed that they were composed of 46 percent of zinc sulphocarbolate, 22 percent of corrosive sublimate, 23 percent of sodium sulphate, 9 percent of citric acid and a filler of starch and insoluble matter. Analysis of the B. I. S. Ointment showed that it consisted of water, petrolatum, fatty material, geraniol, gum benzoin, ichthyol, and a small amount of free ammonia; bacteriological examination showed that it was not a germicidal ointment and did not possess germicidal properties.

The Pulmoseptone was alleged to be misbranded in that certain statements in the labeling, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective as a highly germicidal preparation for infected mucous membranes; effective as a treatment for influenza, distemper, strangles, pharyngitis, laryngitis, pneumonia, diarrhoea, auto-intoxication, colic, flu, and chronic coughs; effective as an antispasmodic and antiferment for

relief from colics; effective as a treatment of so-called flu and "breaks" in swine following simultaneous vaccination. Misbranding of the Poultry Cholera Tablets was alleged for the reason that certain statements on the label falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for cholera in poultry; and effective as a preventative and cure of poultry diseases. Misbranding of the B. I. S. Ointment was alleged for the reason that the statement "Germicidal and penetrating properties", borne on the jar label, was false and misleading, and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, since it represented that the article was germicidal and penetrating when used as an adjuvant in the treatment of demodectic mange; whereas it was not germicidal and penetrating when used as an adjuvant in the treatment of demodectic mange.

The information also charged that the B. I. S. Ointment was misbranded in violation of the Insecticide Act of 1910, reported in notice of judgment no. 1383, published under that act.

On April 15, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed fines on all charges. The fine assessed on the charges for violation of the Food and Drugs Act was $150.

M. L. Wilson, *Acting Secretary of Agriculture.*

24543. Misbranding of Dr. Brehm's Hartz Mountain Antiseptic Bird Wash. U. S. v. The Hartz Mountain Products Co. Plea of guilty. Fine, $25. (F. & D. no. 33916. Sample no. 65979–A.)

This case was based on an interstate shipment of a drug preparation which was misbranded because of unwarranted curative and therapeutic claims appearing in the labeling.

On April 5, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hartz Mountain Products Co., a corporation, New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about October 6, 1933, from the State of New York into the State of New Jersey of a quantity of Dr. Brehm's Hartz Mountain Antiseptic Bird Wash which was misbranded.

Analysis showed that the article consisted of an aqueous solution of 8-oxyquinoline sulphate containing a trace of lavender oil.

The article was alleged to be misbranded in that certain statements regarding its therapeutic and curative effects appearing on the package label, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for skin irritations and feather pulling.

The information also charged a violation of the Insecticide Act of 1910 reported in notice of judgment no. 1400, published under that act.

On April 12, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed fines on all charges, the fine on the count charging violation of the Food and Drugs Act being $25.

M. L. Wilson, *Acting Secretary of Agriculture.*

24544. Misbranding of Key-Rite General Disinfectant. U. S. v. Interstate Chemical Manufacturing Co. Plea of guilty. Fine, $50. (F. & D. no. 33919. Sample nos. 67295–A, 69862–A.)

This case was based on an interstate shipment of a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On February 5, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Interstate Chemical Manufacturing Co., Jersey City, N. J., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about January 16, 1934, from the State of New Jersey into the State of New York, of a quantity of Key-Rite General Disinfectant which was misbranded.

Analysis showed that the article consisted of soap, water, coal-tar neutral oils, and phenols.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the can label, falsely and fraudulently represented that it was effective to aid in the prevention of certain poultry diseases, effective to eliminate many poultry diseases, effective as a preventive measure for tuberculosis and foot diseases in poultry, and effective as a treatment, remedy and cure for ordinary eczema, ordinary galls, sores, cuts, and wounds in horses and for cuts, ordinary ulcers

and wounds in dogs, effective as a treatment, remedy, and cure for ordinary eczema in hogs and as a preventive measure for hog cholera in hogs.

The information also charged a violation of the Insecticide Act of 1910, reported in notice of judgment no. 1401, published under that act.

On February 15, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $50 which covered both violations.

M. L. Wilson, *Acting Secretary of Agriculture.*

24545. Adulteration and misbranding of yellow beeswax. U. S. v. 200 Packages of Yellow Beeswax. Default decree of condemnation and destruction. (F. & D. no. 34568. Sample no. 2629–B.)

This case involved an interstate shipment of beeswax which failed to conform to the requirements of the United States Pharmacopoeia.

On December 21, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 packages of yellow beeswax at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 2, 1934, by the E. A. Bromund Co., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement, "guaranteed under the Pure Food and Drugs Act, June 30th, 1906", appearing on the label, was misleading, since it created the impression that the article had been examined and approved by the Government, and that the Government guaranteed that it complied with the law; whereas it had not been so approved and was not so guaranteed by the Government.

On February 16, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24546. Misbranding of Grainalfa. U. S. v. 6 Bottles, et al., of Grainalfa. Default decree of condemnation and destruction. (F. & D. no. 34604. Sample no. 25970–B.)

This case involved a preparation, the labeling of which contained unwarranted curative and therapeutic claims. The labeling was further objectionable because of false and misleading claims regarding its constituents.

On December 26, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 bottles of Grainalfa at Boston, Mass., alleging that the article had been shipped in interstate commerce in various shipments on or about September 26, October 16, and November 1, 1934, by the Laboratory Products Co., from Providence, R. I., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of water, sugars, extracts from plant materials including methyl salicylate and peppermint oil.

The article was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading under the provisions of the act applicable to food, and were false and fraudulent under the provisions of the act applicable to drugs: (Bottle label, all sizes) "Vitolectic Food * * * Recommended for replacing the Essential, Vital Food Elements which are so universally lacking in the denatured foods of modern civilization. Nourishes every organ and tissue of the body and aids all bodily functions. Suggestions for Using From ½ to 2 teaspoonfuls 3 or 4 times daily, clear, or diluted with water, milk, or fruit juice. In case of fatigue or exhaustion use it any time."

On February 4, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24547. Misbranding of Calafo Liquid. U. S. v. 34 Packages, et al., of Calafo Liquid. Default decrees of condemnation and destruction. (F. & D. nos. 33104, 34549, 34678. Sample nos. 73661–A, 22484–B, 25963–B, 25964–B.)

These cases involved interstate shipments of a drug preparation known as Calafo Liquid. The article was labeled to indicate that the directions could

be followed explicitly with benefit; whereas it contained potassium iodide, arsenic, and opium in potent quantities which would render its use dangerous. The labeling also bore unwarranted therapeutic and curative claims.

On July 24, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 packages of Calafo Liquid at Tacoma, Wash. On December 14, 1934, and January 2, 1935, respectively, libels were filed against 40 packages of the product at Boston, Mass., and 4 packages at New Orleans, La. It was alleged in the libels that the article had been shipped in interstate commerce in various shipments on or about May 28, September 5, September 27, November 15, and November 30, 1934, by the Calafo Co., Inc. from Los Angeles, Calif., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analyses showed that the article consisted essentially of potassium iodide, arsenic, opium, alcohol, and water.

The libel filed in the Western District of Washington charged that the article was misbranded in that the following statements appearing on the label were false and misleading in that they represented that the preparation, when taken in the doses set forth therein, was safe; whereas the article when taken in the doses set forth on the label, was not safe but was dangerous: (Carton, both sizes) "Directions Each dose must be taken in 1/3 cupful of water, one-quarter hour after each morning and evening meal. 1st week. Fourteen drops. 2nd week. Eighteen drops. 3rd week. Twenty-two drops. 4th week. Twenty-six drops. 5th week. Thirty drops. Twice a day in water as above directed"; (circular, both sizes) "General Directions For Taking Calafo Liquid Each dose must be taken in 1/3 cupful of water, one-quarter hour after each morning and evening meal. First Week Take 14 drops in water after morning meal and 14 drops in water after evening meal, every day. Second Week Take 18 drops in water after morning meal and 18 drops in water after evening meal, every day. Third Week Take 22 drops in water after morning meal and 22 drops in water after evening meal, every day. Fourth Week Take 26 drops in water after morning meal and 26 drops in water after evening meal, every day. Fifth Week Take 30 drops in water after morning meal and 30 drops in water after evening meal, every day. After the fifth week, if you find it necessary to continue the treatment longer, then begin to take Calafo Liquid as you did in the first week, namely, 14 drops, and increase the dose each week as above directed. Each time the fifth week is reached, begin all over again with the 14 drop dose. * * * Doses For Children: Seven to 10 years of age, give 4 drops in water after breakfast and 4 drops in water after evening meal; 11 to 14 years, give 6 drops in water after breakfast and 6 drops in water after evening meal; 15 to 17 years of age, give 10 drops in water after breakfast and 10 drops in water after evening meal"; (circular, 2-ounce size) "Regularity and continuity of treatment is of great importance."

The remaining libels also charged that the above-quoted statements were false and misleading. All libels charged further misbranding of the article in that the above-quoted statements and the following statements, appearing in the labeling, were statements regarding the curative and therapeutic effects of the article and were false and fraudulent: (Carton, both sizes) "* * * in cases of Asthma and Hay Fever"; (bottle label, both sizes) "* * * in cases of Asthma and Hay Fever"; (circular ½-ounce size) "Here is Important Information: No one should be hasty and impatient; no one should jump at the conclusion that Calafo Liquid will not be beneficial just because it does not, in every case, give good results 'in a jiffy.' Here are some facts that every sufferer from asthma or hay fever should remember: Two kinds of medicine are sometimes (but not in every case) required in the successful treatment of asthma and hay fever. One is Calafo Liquid, which acts through the general system via the blood and nerves, the other is Calafo Asthmatic Powder. No matter what means you try for the relief of asthma or hay fever, it is most important that Calafo Liquid be used regularly for at least several weeks. In many cases the Liquid is all the medicine that will be needed. A moment's thought should tell anyone that such stubborn and chronic diseases such as asthma and hay fever cannot always be cleared away in a few days. William H. Stemmerman, M. D., the originator of Calafo formulas, states that the use of Calafo Liquid should be persisted in for a few weeks, at least, to help clear the system of the asthmatic

tendency or trait. Dr. Stemmerman also advises in addition, the use of Calafo Powder (as an emergency measure only) to give that Immediate Relief that is so earnestly hoped for by asthma sufferers, but in any case, the use of the Liquid is to be continued. And it is important, Dr. Stemmerman says, to use the Liquid with great Regularity. Therefore, be sure to keep a supply on hand. It is therefore wise to get a large bottle of Calafo Liquid. * * * You can help ward off Asthmatic attacks by constant attention to elimination of bodily wastes through bowel action at least once a day. * * * In cases of acute attacks, which are characterized by extremely difficult breathing, caused by spasmodic contraction of the bronchial tubes, we find that Calafo Liquid alone does not always furnish Immediate relief. In these Rare cases we advise the use of our assisting preparation, Calafo Asthmatic Powder, * * * Continue to use Calafo Liquid as directed. As a rule we find that in the average case, Calafo Liquid corrects the system in about 30 days. If Calafo Liquid does not give quick relief in spasmodic attacks, use Calafo Asthmatic Powder in addition * * * In presenting its treatment for asthma and hay fever, Calafo Company sincerely desires to render actual service to all purchasers of Calafo preparations"; (circular, 2-ounce size) "You can help ward off Asthmatic attacks by constant attention to elimination of bodily wastes through bowel action at least once a day. * * * We have found in some cases of acute attacks of Asthma that Calafo Liquid does not always provide quick relief. Calafo Liquid, being a systemic treatment, primarily intended to 'build Up' the system, enabling it to ward off asthmatic and hay fever attacks, therefore takes somewhat longer to show definite results. In cases of acute attacks, which are characterized by extremely difficult breathing, caused by spasmodic contraction of the bronchial tubes, we find that Calafo Liquid alone does not always furnish Immediate relief. In these Rare cases we advise the use of our assisting preparation, Calafo Asthmatic Powder * * * Continue to use Calafo Liquid as directed. As a rule we find that in the average case, Calafo Liquid corrects the system in about 30 days. If Calafo Liquid does not give quick relief in spasmodic attacks, use Calafo Asthmatic Powder in addition."

On October 30, 1934, and January 21 and 28, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24548. Adulteration of ether. U. S. v. 190 Cans of Ether. Default decree of condemnation and destruction. (F. & D. no. 34787. Sample no. 13556–B.)

Samples of ether taken from the shipment involved in this case were found to contain peroxide, a decomposition product.

On January 14, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 190 cans of ether at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about June 4, 1933, by the Mallinckrodt Chemical Works, from St. Louis, Mo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, namely, "Ether for Anesthesia", and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia official at the time of investigation, and its own standard of strength, quality, and purity was not declared on the container.

On March 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24549. Misbranding of Allimin. U. S. v. 30 Small and 11 Large Boxes of Allimin. Default decree of condemnation and destruction. (F. & D. no. 35317. Sample no. 19828–B.)

This case involved a product which was misbranded because of unwarranted curative and therapeutic claims in the labeling.

On April 2, 1935, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 small and 11 large boxes of Allimin at Cleveland, Ohio, alleging that the article had been shipped in

interstate commerce on or about February 4, 1935, by the Vitalin Products Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of pills containing extracts of plants including garlic.

The article was alleged to be misbranded in that certain statements in the circulars shipped with the article falsely and fraudulently represented that it was effective in the treatment of high blood pressure, dizziness, shortness of breath, hardening of the arteries, arteriosclerosis, intestinal troubles, intestinal putrefaction, auto-intoxication, sick headaches, lack of appetite, nervousness, weak kidneys, irritated bladders, suppressed or painful urination; that it was effective as a general intestinal cleanser and tonic for the system; as an excellent tonic in cases of nervous exhaustion or depletion; and as an antiseptic; that it was effective to diminish coughs, to aid in the digestion and absorption of food, to promote the activity of the excretory organs, and to stimulate the intestinal mucosa; and that it was of great value in its action on the kidneys and liver.

On April 16, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

24550. Misbranding of C-D-Cide 15 Chlorine Disinfectant. U. S. v. 16 Cartons of C-D-Cide 15 Chlorine Disinfectant. Default decree of condemnation and destruction. (F. & D. no. 35399. Sample no. 31320–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On April 23, 1935, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 cartons of C-D-Cide 15 Chlorine Disinfectant at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about September 26, 1934, by the Petaluma Laboratories, from Petaluma, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of sodium chloride, siliceous material, calcium hypochlorite, and other calcium compounds.

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, were false and fraudulent: (Carton) "Stops spread of infectious diseases through the drinking water * * * For the Health of Your Flock"; (circular) "A Positive Aid in the Treatment of Colds—Bronchitis—Tracheitis; * * * highly efficient in controlling Colds, Bronchitis, Tracheitis and all those conditions usually referred to as 'Roup'; * * * C-D-Cide '15' produces results almost overnight; * * * bringing almost instant relief; * * * in the drinking water to stop the spread of disease." The libel also charged a violation of the Insecticide Act reported in notice of judgment no. 1417 published under that act.

On June 25, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

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U. S. GOVERNMENT PRINTING OFFICE: 1936

N. J., F. D. 24551–24625 Issued April 1936

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

24551–24625

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 24, 1935]

24551. Misbranding of butter. U. S. v. Frederick F. Lowenfels, Albert Lowenfels, and Corinne B. Lowenfels (Frederick F. Lowenfels & Son). Pleas of guilty. Fine, $50. (F. & D. no. 29455. Sample no. 10507–A.)

This case involved shipments of butter which was short weight.

On March 5, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frederick F. Lowenfels, Albert Lowenfels, and Corinne B. Lowenfels, a partnership trading as Frederick F. Lowenfels & Son, New York, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about April 22 and April 26, 1932, from the State of New York into the State of New Jersey, of quantities of butter that was misbranded. The article was labeled in part: "1 Lb. Net Weight."

The article was alleged to be misbranded in that the statement, "1 Lb. Net Weight", borne on the package label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since each of a large number of the packages examined contained less than 1 pound net weight. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 8, 1935, the defendants entered pleas of guilty and the court imposed a fine of $50 against Albert Lowenfels and ordered that fines be suspended as to the other defendants.

W. R. Gregg, *Acting Secretary of Agriculture.*

24552. Adulteration and misbranding of tomato juice. U. S. v. K. M. Davies Co., Inc. Plea of guilty. Fine, $50. (F. & D. no. 30132. I. S. no. 43518.)

This case was based on an interstate shipment of tomato juice that contained added water.

On November 13, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against K. M. Davies Co., Inc., Williamson, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 12, 1932, from the State of New York into the State of Massachusetts, of a quantity of canned tomato juice that was adulterated and misbranded. The article was labeled in part: "Williamson Brand Tomato Juice * * * A Pure Juice from Selected Red, Ripe Tomatoes * * * Packed by K. M. Davies Co. Inc. Williamson, N. Y."

The article was alleged to be adulterated in that a substance, excessive water, had been mixed and packed with the article so as to lower, reduce, and injuriously affect its quality and strength and had been substituted in part for pure tomato juice which the article purported to be.

Misbranding was alleged for the reason that the statement, "Tomato Juice * * * A Pure Juice from Selected Red, Ripe Tomatoes", borne on the can label, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article consisted wholly of pure tomato juice; whereas it did not so consist, but did consist in part of excessive water. Misbranding was alleged for the further reason that the article was offered for sale and sold under the distinctive name of another article, namely, pure tomato juice; and for the further reason that it was in liquid form and the package did not bear a plain and conspicuous declaration of the quantity of the contents by volume.

On May 14, 1935, a plea of guilty was entered on behalf of the defendant company to both counts of the information, and the court imposed a fine of $50 on each count and ordered that the fine on the first count be suspended.

W. R. GREGG, *Acting Secretary of Agriculture.*

24553. Misbranding of canned peas. U. S. v. 70 Cases of Canned Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 31114. Sample no. 57700–A.)

This case involved a shipment of canned soaked dry peas which were misbranded because of the presence on the label of a vignette showing succulent peas in pod.

On September 19, 1933, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 cases of canned peas at Fayetteville, Ark., alleging that the article had been shipped in interstate commerce on or about August 31 and September 14, 1933, by the Griffin Manufacturing Co., from Muskogee, Okla., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Little Chief Prepared From Dry Peas * * * Packed by Griffin Manufacturing Company Canners Muskogee, Okla. [vignette of green peas in pod]."

The article was alleged to be misbranded in that the prominent designation "Peas" and the design of vignette of succulent peas in pod, borne on the label, were false and misleading, and deceived and misled the purchaser when applied to canned soaked dry peas.

On April 11, 1935, the Griffin Grocery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

24554. Adulteration and misbranding of butter. U. S. v. John N. Hall (Lexington Ice & Creamery Co.). Plea of guilty. Fine, $50. (F. & D. no. 31520. Sample nos. 39044–A, 46628–A, 46629–A, 46630–A.)

This case involved shipments of butter that contained less than 80 percent of milk fat. The product in certain of the shipments was also short weight.

On September 26, 1934, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John N. Hall, trading as the Lexington Ice & Creamery Co., Lexington, Miss., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about June 16 and June 18, 1933, from the State of Mississippi into the State of Louisiana of quantities of butter which was adulterated and misbranded. The article in all shipments was labeled "Butter", portions being packed in cartons labeled "Glenwood Creamery Butter 1 Pound Net 1 Lb. Net Weight Distributed by Swift & Company U. S. A. General Offices, Chicago", each carton containing cubes labeled, "4 Oz. Net Weight."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", with respect to all lots, and the statements "1 Pound Net", "1 Lb. Net Weight", and "4 Oz. Net Weight", with respect to certain lots, appearing in the labeling, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 80 percent by weight of milk fat, and the carton and wrapper in certain lots contained less than declared. Misbranding was alleged with respect to portions of the

article for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 24, 1935, the defendant entered a plea of guilty and the court imposed a fine of $50.

W. R. Gregg, *Acting Secretary of Agriculture.*

24555. Adulteration and misbranding of tomato sauce. U. S. v. 90 Cases and 41 Cases of Tomato Sauce. Consent decree of condemnation. Product released under bond conditioned that unfit portion be destroyed and remainder relabeled. (F. & D. no. 31931. Sample no. 66201-A.)

This case involved various lots of tomato sauce. The product was labeled to convey the impression that it was made of Italian tomatoes and had been canned by the firm named on the label; whereas it was a domestic product and was not canned by the said firm. Portions of the article were found to contain excessive mold.

On February 2, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 131 cases of tomato sauce at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 30, 1933, by the Calliguria Food Products Co., from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Grande Italia Brand Naples Style Pure Tomato Sauce * * * Packed in California Ossola Brothers Inc. New York Pittsburgh."

The article was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statements, "Grande Italia" and "Naples Style", together with the map of Italy and the picture of tomatoes so designed as to make them appear to be pear-shaped, or Italian tomatoes, appearing on the label, were misleading and deceived and misled the purchaser when applied to a domestic tomato sauce. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so; and for the further reason that the statement "Ossola Brothers, Inc." on the label was false and misleading and deceived and misled the purchaser, since it implied that Ossola Bros., Inc. were the packers, whereas they were not.

On April 27, 1935, the Calliguria Food Products Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the unfit portion of the product be destroyed and the remainder relabeled under the supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

24556. Adulteration and misbranding of potatoes. U. S. v. Idaho Sales Co., Inc. Plea of guilty. Fine, $50. (F. & D. no. 32154. Sample nos. 35124-A, 54727-A, 66609-A, 66812-A.)

This case was based on interstate shipments of potatoes which were below the grade designated on the label.

On November 22, 1934, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Idaho Sales Co., Inc., Hansen, Idaho, alleging shipment by said company in violation of the Food and Drugs Act on or about November 3, 1933, from the State of Idaho into the State of Missouri, on or about December 8, 1933, from the State of Idaho into the State of Ohio, and on or about April 7 and April 11, 1934, from the State of Idaho into the State of Colorado, of quantities of potatoes which were adulterated and misbranded. The article was labeled in part: "U. S. No. 1 [or "U. S. #1"]." Portions of the article were further labeled: "Idaho Sales Co. Kimberly, Idaho."

The article was alleged to be adulterated in that potatoes below the grade of U. S. No. 1 had been substituted for U. S. No. 1 potatoes, which the article purported to be.

Misbranding was alleged for the reason that the statements, "U. S. No. 1" and "U. S. #1", borne on the label, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the potatoes were below U. S. No. 1 grade.

On April 6, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $50.

W. R. GREGG, *Acting Secretary of Agriculture.*

24557. Adulteration and misbranding of coffee. U. S. v. Johnson Coffee Co. Plea of guilty. Fine, $200. (F. & D. no. 32220. Sample nos. 39401–A, 39402–A, 39942–A, 39943–A.)

Samples of coffee taken from the shipments involved in this case were found to contain foreign material consisting of coffee chaff and cereal.

On November 8, 1934, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Johnson Coffee Co., a corporation, Chattanooga, Tenn., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 10, June 29, and August 5, 1933, from the State of Tennessee into the State of Georgia; and on or about August 8, 1933, from the State of Tennessee into the State of Florida of quantities of coffee which was adulterated and misbranded. The article was labeled in part: "Black Joe Brand Pure Rio Coffee Roasted & Packed for Suwannee Stores."

The article was alleged to be adulterated in that foreign substances, i. e., coffee chaff and a cereal had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for coffee, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Pure Rio Coffee", borne on the package label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it did not consist of pure coffee, but consisted in part of a substantial quantity of coffee chaff and a cereal. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, coffee.

On April 29, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $200.

W. R. GREGG, *Acting Secretary of Agriculture.*

24558. Adulteration of butter. U. S. v. The Ashley Creamery. Plea of guilty. Fine, $25. (F. & D. no. 32890. Sample no. 40347–A.)

This case was based on an interstate shipment of butter that contained less than 80 percent of milk fat.

On August 30, 1934, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Ashley Creamery, a corporation, Ashley, N. Dak., alleging shipment by said companying in violation of the Food and Drugs Act as amended on or about August 14, 1933, from the State of North Dakota into the State of Illinois of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as required by the act of Congress of March 4, 1923, which the article purported to be.

On April 23, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $25.

W. R. GREGG, *Acting Secretary of Agriculture.*

24559. Misbranding of salad oil. U. S. v. the Ragus Packing Corporation, Morris Stern, Isidor Goldsmith, and Nathan Goldsmith. Pleas of guilty. Fines, $150. (F. & D. no. 32914. Sample nos. 50050–A, 54436–A, 55451–A.)

This case involved shipments of salad oil that was short volume.

On January 25, 1935, the United States attorney for the Eastern District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Ragus Packing Corporation, Morris Stern, Isidor Goldsmith, and Nathan Goldsmith, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about March 31, July 21, and August 1, 1933, from the State of New York into the State of Pennsylvania of quantities of salad oil which was misbranded. The article was labeled, variously: "Net Contents One Gallon Salco A Ragus Product Salad Oil Full Measure"; "Net Weight Fl. Oz. 9 Salad Oil * * * Mrs. Brookes Pure Packed by Ragus Packing Corporation, Long Island City, New

York"; "Herold's Taste Tells Food Products Contents 8 Ozs. Salad Oil P. Herold & Sons Phila., Pa."

The article was alleged to be misbranded in that the statements, "Contenuto Un Gallone * * * Piena Misura" and "Net Contents One Gallon * * * Full Measure", with respect to a portion, "Net Weight Fl. Oz. 8" with respect to a portion, and "Contents 8 Ozs." with respect to a portion, borne on the labels, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was short of the declared volume.

On April 11, 1935, the defendants entered pleas of guilty to the information and the court imposed fines totaling $150.

W. R. GREGG, *Acting Secretary of Agriculture.*

24560. Misbranding of jellies. U. S. v. 124 Cases of Assorted Jellies. Default decree of condemnation. Product delivered to charitable organization. (F. & D. no. 33123. Sample nos. 62270–A to 62273–A, incl.)

Sample jars of jellies taken from the shipment involved in this case were found to contain less than 14 ounces, the weight declared on the label.

On August 4, 1934, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 124 cases of assorted jellies at Mabscott, W. Va., alleging that the article had been shipped in interstate commerce on or about March 7, 1934, by the C. H. Musselman Co., from Biglerville, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Musselmans brand Contents 14 oz. * * * Jelly Manufactured by The C. H. Musselman Co. Biglerville, Pa. U. S. A."

The article was alleged to be misbranded in that the statement, "contents 14 oz", borne on the label, was false and misleading and tended to deceive and mislead the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, the quantity being incorrectly stated.

On April 16, 1935, no appearance or answer having been filed, judgment of condemnation was entered. At the request of the shipper and consignee the product was ordered disposed of by delivery to a charitable organization.

W. R. GREGG, *Acting Secretary of Agriculture.*

24561. Adulteration and misbranding of chocolate-flavored egg malted milk. U. S. v. 17 5/6 Dozen Glasses of Kingco Egg Malted Milk Chocolate Flavor. Default decree of condemnation and destruction. (F. & D. no. 33245. Sample no. 6586–B.)

This case involved a product consisting of a mixture of sugar, skim milk, and flavor containing little or no egg or malted milk, which was labeled to indicate that it consisted principally of egg malted milk.

On or about August 14, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 5/6 dozen glasses of Kingco egg malted milk chocolate flavor at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about May 4, 1934, by the Doral Food Products Co., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Kingco Egg Malted Milk Chocolate Flavor * * * Egg Malted Milk, Dutch Cocoa, Chocolate Flavor, DeFatted Milk, Malt, Sugar Doral Food Products Co. Inc. New York City Complies with All Pure Food Laws."

The article was alleged to be adulterated in that sugar and skim milk had been mixed and packed therewith so as to reduce and lower its quality; in that a mixture of sugar, skim milk, and flavor containing little, or no, egg and little, or no, malted milk had been substituted for egg malted milk; and in that it had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Egg Malted Milk" and "Complies with all Pure Food Laws", were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On April 3, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24562. Adulteration of canned tuna. U. S. v. 99 Cartons of Canned Tuna. Tried to a jury. Verdict for the Government. Decree of condemnation and destruction. (F. & D. no. 33247. Sample nos. 47947–A, 686–B.)

This case involved an interstate shipment of canned tuna which was in part decomposed.

On August 13, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cartons of canned tuna at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 5, 1934, by a shipper unknown, from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Belle Isle Brand Fancy Solid Packed Tuna Net Weight Seven Oz Packed in High Grade Cottonseed Oil by French Sardine Co Inc Terminal Island."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 16, 1935, a claim having been interposed by the French Sardine Co., Terminal Island, Calif., and the case having been tried to a jury, verdict for the Government was returned. On April 13, 1935, judgment was entered condemning the product and ordering its destruction.

W. R. GREGG, *Acting Secretary of Agriculture.*

24563. Adulteration and misbranding of canned shrimp. U. S. v. 100 Cartons of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 33634. Sample no. 11366–B.)

This case involved canned shrimp which was in part decomposed.

On October 22, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cartons of canned shrimp at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about September 19, 1934, by the Robinson Canning Co., Inc., from New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Barataria Shrimp * * * Packed by Robinson Canning Co., Inc., New Orleans, La."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

Misbranding was alleged for the reason that the statements on the label, "The shrimp contained in this can are absolutely free from adulteration; * * * are guaranteed to pass any state or national pure food law inspection", were false and misleading and tended to deceive and mislead the purchaser.

On May 1, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24564. Adulteration and misbranding of butter. U. S. v. 4 Cases of Print Butter. Consent decree of condemnation and sale. (F. & D. no. 31118. Sample no. 40341–A.)

This case involved an interstate shipment of butter that contained less than 80 percent of milk fat.

On August 25, 1933, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cases of print butter at Hammond, Ind., alleging that the article had been shipped in interstate commerce on or about August 9, 1933, by the Sugar Creek Creamery Co., from Danville, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Butter * * * Packed for Nation-Wide Stores Co., St. Louis, Mo."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled "Butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On November 29, 1933, in accordance with a stipulation entered into between the United States attorney and the intervenor, the Sugar Creek Creamery Co., judgment was entered ordering that samples from each case be withdrawn for

the Government and the intervenor, and that the remainder be condemned and sold.

W. R. Gregg, *Acting Secretary of Agriculture.*

24565. Adulteration of canned shrimp. U. S. v. 260 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 33686. Sample no. 1774–B.)

This case involved canned shrimp which was in part decomposed.

On October 13, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 260 cases of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about August 10, 1934, by B. F. Trappeys Sons, Inc., from New Iberia, La., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On April 18, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24566. Misbranding of salad oil. U. S. v. Morris Stern, Isidor Goldsmith, and Nathan Goldsmith (Manhattan Coffee & Sugar Co.). Pleas of guilty. Sentences suspended. (F. & D. no. 33857. Sample no. 67408–A.)

Sample cans of salad oil taken from the shipments involved in this case were found to contain less than 1 gallon, the volume declared on the label.

On December 11, 1934, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Morris Stern, Isidor Goldsmith, and Nathan Goldsmith, trading as the Manhattan Coffee & Sugar Co., Long Island City, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about March 16 and April 20, 1933, from the State of New York into the State of New Jersey of quantities of salad oil that was misbranded. The article was labeled in part: "Net Contents One Gallon Salco A Ragus Product Salad Oil Full Measure", with similar statements in Italian.

The article was alleged to be misbranded in that the statements, "Net Contents One Gallon", "Full Measure", "Contenuto Un Gallone", and "Piena Misura", borne on the can label, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since they represented that the cans each contained 1 full gallon; whereas the cans did not each contain 1 full gallon, but did contain in each of a large number thereof less than 1 full gallon of the article.

On April 11, 1935, the defendants entered pleas of guilty to the information and the court ordered that sentence be suspended.

W. R. Gregg, *Acting Secretary of Agriculture.*

24567. Adulteration and misbranding of olive oil. U. S. v. Umberto Turco. Plea of guilty. Fine, $25. (F. & D. no. 33873. Sample nos. 51969–A, 51970–A.)

This case was based on an interstate shipment of alleged olive oil which was found to consist principally of cottonseed oil artifically colored. The product was also short volume.

On March 1, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Umberto Turco, New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about January 15, 1934, from the State of New York into the State of New Jersey of two lots of alleged olive oil which was adulterated and misbranded.

The article was alleged to be adulterated in that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength; in that a substance, namely, a product consisting mainly of domestic cottonseed oil, artifically flavored and colored in imitation of olive oil, had been substituted for pure, imported, Italian olive oil, which the article purported to be; and in that it was mixed and colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Net Contents One Gallon", with respect to the product in both lots, and the statements,

"Italian Produce Sublime Olive Oil Imported by Acomo Fo Lucca", "Imported from Italy", and, in English and Italian, "The Olive Oil contained in this can is pressed from fresh picked high grown fruit, packed by the grower under the best sanitary conditions, and guaranteed to be absolutely pure under any chemical analysis. The producer begs to recommend to the consumer to destroy this can as soon as empty in order to prevent unscrupulous dealers from refilling it with adulterated Oil or Oil of an inferior quality. The producer warns all such dealers that he will proceed against them to the full extent of the law", together with designs of olive branches and design of a shield showing design of a crown, etc., with respect to one lot of the product, and the statements, "Italian Virgin Olive Oil Imported Superfine * * * Lucca * * * Finest Quality. This Imported Olive Oil is Guaranteed To Be Absolutely Pure Under Chemical Analysis", and similar statements in Italian, and the statement "Imported From Italy", together with designs of olive-bearing branches, with respect to the remaining lot, appearing on the can labels, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article consisted wholly of imported Italian olive oil, and that the cans each contained 1 gallon thereof; whereas it was a domestic product consisting principally of cottonseed oil artifically flavored and colored in imitation of olive oil, and practically all of the said cans contained less than 1 gallon. Misbranding was alleged for the further reason that the article was an imitation of another article, and for the further reason that it was offered for sale under the distinctive name of another article, namely, olive oil. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the cans contained less than represented.

On April 30, 1935, the defendant entered a plea of guilty and the court imposed a fine of $25.

W. R. Gregg, *Acting Secretary of Agriculture.*

24568. Adulteration and misbranding of strawberry pennants. U. S. v. Osfer Specialty Co., Inc. Plea of nolo contendere. Fine, $10. (F. & D. no. 33885. Sample no. 68385–A.)

This case involved a shipment of a product represented to be a strawberry-flavored confection, but which in fact consisted of an artificially colored and artificially flavored confection containing little, if any, strawberry juice.

On February 28, 1935, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Osfer Specialty Co., Inc., Brooklyn, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 2, 1934, from the State of New York into the State of Massachusetts, of a quantity of a confection known as strawberry pennants, which was adulterated and misbranded. The article was labeled: "Strawberry Pennants."

The article was alleged to be adulterated in that a product consisting of a chocolate-covered marshmallow with an acidified, artificially colored, jelly-like center, and containing no strawberry, had been substituted for a confection containing strawberry, which the article purported to be. Adulteration was alleged for the further reason that the article was colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Strawberry," borne on the box label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, in that the said statement represented that the article contained strawberry; whereas it did not contain strawberry, but contained in lieu thereof an acidified jelly-like center artificially colored.

On April 4, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of $10.

W. R. Gregg, *Acting Secretary of Agriculture.*

24569. Misbranding of butter. U. S. v. Southern Maid Dairy Products Corporation. Plea of guilty. Fine, $10. (F. & D. no. 33887. Sample no. 76516–A.)

Sample cartons of butter taken from the shipment involved in this case were found to contain less than 1 pound, the weight declared on the label.

On January 16, 1935, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against the Southern Maid Dairy Products Corporation, Bristol, Va., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 4, 1934, from the State of Virginia into the State of Tennessee of a quantity of butter which was misbranded. The article was labeled in part: "Southern Maid Fresh Creamery Butter Southern Maid Dairy Products Corp. * * * Bristol, Va. * * * One Pound Net."

The article was alleged to be misbranded in that the statement, "One Pound Net", borne on the carton, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the cartons contained less than 1 pound of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the cartons contained less than represented.

On April 10, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $10.

W. R. Gregg, *Acting Secretary of Agriculture.*

24570. Misbranding of salad oil. U. S. v. Geraldi-Dorman, Inc. Plea of guilty. Fine, $200. (F. & D. no. 33903. Sample nos. 67413–A, 67422–A, 67423–A.)

This case was based on shipments of a product consisting principally of cottonseed oil that was labeled to create the impression that it was pure olive oil. Sample cans taken from both shipments of the product were found to contain less than the declared volume.

On February 28, 1935, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Geraldi-Dorman, Inc., Brooklyn, N. Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about January 16 and March 6, 1934, from the State of New York into the State of New Jersey of quantities of salad oil which was misbranded. The article was labeled in part: "Oil Red Star * * * Olio Finissimo Per Insalata * * * Packed by Geraldi-Dorman, Inc. Contents One Gallon Net [or "Contents Half Gallon Net"]." The gallon cans bore the statement: "Vegetable Oil 85% Colored and Flavored with Pure Olive Oil." The half-gallon size bore in lieu of the said statement the statement "Salad Oil Flavored Slightly with Pure Olive Oil."

The article was alleged to be misbranded in that the statements, "Olio Finissimo Per Insalata * * * Pure Olive Oil", borne on the label in large conspicuous type, and the statements, "Contents One Gallon Net" and "Contents Half Gallon Net", also borne on the labels, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since they represented that the article consisted solely of pure olive oil, and that the cans contained 1 gallon net or one half gallon net thereof; whereas it did not consist solely of pure olive oil, but consisted principally of cottonseed oil, and each of a large number of the cans examined contained less than declared. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, olive oil. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 3, 1935, the defendant entered a plea of guilty and the court imposed a fine of $200.

W. R. Gregg, *Acting Secretary of Agriculture.*

24571. Misbranding of cottonseed meal. U. S. v. Gainesville Oil Mill. Plea of guilty. Fine, $5 and costs. (F. & D. no. 33908. Sample no. 63714–A.)

This case was based on an interstate shipment of cottonseed meal that contained less protein than declared on the label.

On January 26, 1935, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Gainesville Oil Mill, a corporation, Gainesville, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 12, 1934, from the State of Texas into the State of Kansas of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "'Golden Rod' 43% Protein Cottonseed Cake or Meal Prime Quality Manufactured by or for Planters' Cotton Oil Company,

of Dallas * * * Guaranteed Analysis Crude Protein, not less than 43.00 Per cent."

The article was alleged to be misbranded in that the statements, "43% Protein" and "Guaranteed Analysis Crude Protein, not less than 43.00 Per cent", borne on the label, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On April 8, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $5 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

24572. Misbranding of cottonseed meal. U. S. v. Cairo Meal & Cake Co. Plea of guilty. Fine, $150 and costs. (F. & D. no. 33928. Sample no. 19181–A.)

This case was based on an interstate shipment of cottonseed meal that contained less protein than declared on the label.

On February 19, 1935, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cairo Meal & Cake Co., a corporation, Cairo, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 25, 1933, from the State of Illinois, into the State of Indiana, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: (Tag) "Bull Brand 43% Protein Cottonseed Meal Prime Quality Manufactured by Humphreys-Godwin Company Memphis, Tenn. Guaranteed Analysis Crude Protein, not less than 43.0%."

The article was alleged to be misbranded in that the statements, "43% Protein" and "Guaranteed Analysis Crude Protein, not less than 43.0%", borne on the tags, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On April 8, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $150 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

24573. Adulteration and misbranding of butter. U. S. v. Washington Creamery Co. Plea of guilty. Fine, $300 and costs on first count and $300 on each of seven other counts. Fines on all counts but first suspended for 5 years. (F. & D. no. 33930. Sample nos. 55095–A, 73376–A, 73393–A.)

This case was based on shipments of butter that contained less than 80 percent by weight of milk fat, and portions of which were also short weight.

On March 15, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Washington Creamery Co., Seattle, Wash., alleging shipment and delivery for shipment by said company in violation of the Food and Drugs Act as amended, on or about June 9, June 12, and June 15, 1934, from Seattle, Wash., to Alaska of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Premier Brand [or "Blue Ribbon Brand"] Butter One Pound Distributed by Washington Creamery Co. Seattle, Washington."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", with respect to all lots, and the statement "One Pound", with respect to portions of the article, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not butter in that it contained less than 80 percent by weight of milk fat, and the packages in certain lots contained less than 1 pound thereof. Misbranding of certain lots was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 15, 1935, a plea of guilty was entered on behalf of the defendant company; and the court imposed a fine of $300 and costs on the first count of the information, and a fine of $300 on each of the remaining counts. Sentence was suspended on all counts, but count one, for 5 years.

W. R. GREGG, *Acting Secretary of Agriculture.*

24574. Adulteration and misbranding of apples. U. S. v. Emmor Roberts. Plea of guilty. Fine, $10. (F. & D. no. 33931. Sample no. 5829–B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health. The baskets containing the article were not labeled to show the quantity of the contents.

On March 21, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Emmor Roberts, Moorestown, N. J., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about July 18, 1934; from the State of New Jersey into the State of Pennsylvania of a quantity of apples which were adulterated and misbranded.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, namely, lead and arsenic, in amounts which might have rendered it injurious to health.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 5, 1935, the defendant entered a plea of guilty and the court imposed a fine of $10.

W. R. Gregg, *Acting Secretary of Agriculture.*

24575. Adulteration of apples. U. S. v. Edward A. Mechling (E. A. Mechling). Plea of guilty. Fine, $10. (F. & D. no. 33933. Sample nos. 5806–B, 5811–B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On March 22, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Edward A. Mechling, trading as E. A. Mechling, Moorestown, N. J., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about July 17 and July 18, 1934, from the State of New Jersey into the State of Pennsylvania of quantities of apples which were adulterated. The article was labeled in part: "N. J. Dilks & Co. Dividing Creek N. J."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, namely, arsenic and lead, in amounts which might have rendered it injurious to health.

On April 5, 1935, the defendant entered a plea of guilty and the court imposed a fine of $10.

W. R. Gregg, *Acting Secretary of Agriculture.*

24576. Misbranding of candy. U. S. v. George Haas & Sons. Plea of guilty. Fine, $100. (F. & D. no. 33948. Sample no. 53201–A.)

Sample packages of candy taken from the shipment involved in this case were found to contain less than 1 pound, the weight declared on the label.

On April 22, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against George Haas & Sons, a corporation, San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 6, 1934, from the State of California into the State of Nevada of a quantity of candy invoiced as "Velvet Chews" which was misbranded. The article was labeled in part: "Geo. Haas & Sons San Francisco Net Weight 1 Pound."

The article was alleged to be misbranded in the statement, "Net Weight 1 Pound", borne on the carton, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the cartons contained less than 1 pound net of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages contained less than declared.

On May 2, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $100.

W. R. Gregg, *Acting Secretary of Agriculture.*

24577. Adulteration and misbranding of butter. U. S. v. Roscoe R. Seiling (Peerless Ice Cream & Butter Co.). Plea of guilty. Fine, $20 and costs. (F. & D. no. 33952. Sample nos. 71445–A, 07–B.)

This case was based on interstate shipments of butter that contained less than 80 percent of milk fat.

On March 23, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Roscoe R. Seiling, trading as the Peerless Ice Cream & Butter Co., Lamar, Colo., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about May 16 and July 5, 1934, from the State of Colorado into the State of Kansas of quantities of butter that was adulterated and misbranded. The article was labeled in part: "Peerless The Butter That Equals its Name * * * One Pound Net * * * Peerless Ice Cream and Butter Co. Lamar, Colo."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the carton label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, namely, a product containing not less than 80 percent by weight of milk fat as required by law; whereas it contained less than 80 percent by weight of milk fat.

On May 3, 1935, the defendant entered a plea of guilty and the court imposed a fine of $20 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

24578. Adulteration of butter. U. S. v. Theodore L. Hoef (Monroe City Creamery). Plea of guilty. Fine, $100. (F. & D. no. 33979. Sample no. 7971–A.)

This case was based on an interstate shipment of butter that contained less than 80 percent by weight of milk fat.

On April 8, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Theodore L. Hoef, trading as the Monroe City Creamery, Monroe City, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act on or about June 6, 1934, from the State of Missouri into the State of New York, of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as required by the act of Congress of March 4, 1923, which the article purported to be.

On April 30, 1935, the defendant entered a plea of guilty and the court imposed a fine of $100.

W. R. Gregg, *Acting Secretary of Agriculture.*

24579. Misbranding of salad oil. U. S. v. 101 Cases and 26 Cans of Salad Oil. Decrees of condemnation. Portion of product released under bond to be relabeled. Remainder destroyed. (F. & D. nos. 34232, 34233. Sample nos. 10537–B, 17850–B.)

These cases involved two lots of oil, one lot consisting of cottonseed oil with some olive oil present, and the other consisting of cottonseed oil and peanut oil with some olive oil present, both lots of which were labeled to convey the impression that they were olive oil.

On November 1, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 101 cases and 26 cans of salad oil at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce in various shipments on or about October 11, 1933, and August 28 and 29, 1934, by the Italian Olive Oil Corporation, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. A portion of the article was labeled: "Superfine Olio Rita Brand." The remainder was labeled: "Olio Unico Brand."

The article was alleged to be misbranded in that the statements, "Superfine Olio Rita", "Rita Brand Oil is guaranteed absolutely pure under any chemical analysis", and "L'Olio Marca Rita E'Garentito assolutamente Puro Sotto Qualsiasi Analisi Chimica", with respect to the Rita brand, and the statements, "Olio Unico", "Garentito Puro Sotto Qualsiasi Analisi Chimica", the prominent name "The Italian Olive Oil Corp.", and the green color of the can, suggestive of olives, with respect to the Unico brand, borne on the respective labels, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the product was olive oil; whereas one lot was essentially cottonseed oil with some olive oil present and the other was essentially cottonseed oil with some peanut oil and some olive oil present, and this misleading impression was not corrected by the statement on both labels, "Composed of Twenty Per Cent Pure Olive Oil and Other Vegetable Oil Eighty Per Cent", since the latter statement was in much smaller type and far removed from the word "Olio." Misbranding of the Unico brand was alleged for the further reason that the statement on the label, "Olio Unico Brand A really Superior Salad Oil", was misleading and tended to deceive and mislead the purchaser, since the term "Salad Oil" includes olive oil.

On November 17, 1934, four 1-gallon cans having been seized under one libel and no claimant having appeared therefor, judgment of condemnation was entered and it was ordered that the said four cans be destroyed. On April 11, 1935, G. Foti, Inc., Philadelphia, Pa., having appeared as claimant for the product seized under the remaining libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

24580. Adulteration of canned shrimp. U. S. v. 123 Cases of Canned Shrimp. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 34298. Sample no. 16354–B.)

This case involved canned shrimp which was in part decomposed.

On November 5, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 123 cases of canned shrimp at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about October 22, 1934, by the Dunbar-Dukate Co., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Dunbar Brand Salad Shrimp * * * Distributed by Dunbar Dukate Co., Inc., New Orleans, La."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On March 1, 1935, the Dunbar-Dukate Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it would not be disposed of in violation of the Federal Food and Drugs Act. On April 19, 1935, the adulterated portion of the product having been destroyed, final decree was entered exonerating the bond and releasing the good portion.

W. R. Gregg, *Acting Secretary of Agriculture.*

24581. Adulteration of canned shrimp. U. S. v. 250 Cases and 114 Cases of Canned Shrimp. Decrees of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. nos. 34301, 34672. Sample nos. 17917–B, 24235–B, 24244–B.)

These cases involved interstate shipments of canned shrimp which was in part decomposed.

On November 7, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 250 cases of canned shrimp at Shenandoah, Pa. On December 26, 1934, a libel was filed against 114 cases of canned shrimp at Harrisburg, Pa. The libels charged that the article had been shipped in interstate commerce on or about August 12 and October 2, 1934, from Fernandina, Fla., in part in the name of James A. Smith & Co., and in part in the name of James A. Smith, and that it was adulterated in violation of the Food and Drugs Act. The

article was labeled in part: "Smith's Ocean Bloom Brand Shrimp * * * Packed by Jas. A. Smith Shrimp Fisheries Fernandina, Florida."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 12 and April 29, 1935, the Union Meat Stores, Harrisburg, Pa. and M. and W. Spector, Shenandoah, Pa., having appeared as claimants in the respective cases, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24582. Adulteration of dried figs. U. S. v. 50 Cases of Dried Figs. Default decree of condemnation and destruction. (F. & D. no. 34346. Sample no. 20147–B.)

This case involved a shipment of dried figs which were insect-infested, moldy, and sour.

On November 13, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of dried figs at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 3, 1934, by Rosenberg Bros., in the name of Goebel Pratt Co., from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Emporium Brand California Extra Choice Black Figs Packed for Northern Grocery Co Bellingham Wash."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On April 15, 1935, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24583. Misbranding of salad oil. U. S. v. 36 Cases of Salad Oil. Default decree of condemnation and destruction. (F. & D. no. 34429. Sample no. 14870–B.)

This case involved salad oil consisting chiefly of corn oil and a small amount of cottonseed oil, which was labeled to convey the impression that it was imported Italian olive oil.

On November 23, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 cases of salad oil at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about September 20, 1934, by Carmelo Aulino, from Akron, Ohio, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Finest Quality table oil Tipo Termini Imerese * * * Packed by C. Aulino Packing Company, Akron, Ohio."

The article was alleged to be misbranded in that the prominent statement "Finest Quality Table Oil", and the Italian phrase "Tipo Termini Imerese", together with a design of a foreign scene depicting people gathering olives, appearing on the label, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was Italian olive oil; whereas it was not. Misbranding was alleged for the further reason that the statement "Vegetable Oil", borne on the label, was misleading and tended to deceive and mislead the purchaser, since the term may include olive oil, and for the further reason that the article purported to be a foreign product when not so.

On April 5, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24584. Adulteration of sardines. U. S. v. 199 Cases, et al., of Canned Sardines. Consent decree of condemnation. Product released under bond conditioned that it be exported. (F. & D. no. 34431. Sample nos. 7457–B, 7458–B, 7459–B.)

This case involved imported canned sardines that were found to contain excessive lead.

On November 23, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in

the district court a libel praying seizure and condemnation of 435 cases of canned sardines at New York, N. Y., alleging that the article had been shipped from Portimao, Portugal, by Mendes Ferrari Furtado, arriving at New York, N. Y. about December 18, 1933, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Royal Standard Brand * * * Portuguese Sardines * * * Packed in Portugal."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

On April 30, 1935, the Knickerbocker Mills Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be exported.

W. R. Gregg, *Acting Secretary of Agriculture.*

24585. Adulteration of canned shrimp. U. S. v. 196½ Cases of Canned Shrimp. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 34432. Sample nos. 17104–B, 17626–B.)

This case involved canned shrimp which was in part decomposed.

On November 23, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 196½ cases of canned shrimp at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about October 15, 1934, by the Atlantic Seafood Packers, Inc., from Brunswick, Ga., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Deep Sea Brand Choice Shrimp * * * Atlantic Seafood Packers, Inc. Packers Darien, Ga."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On April 15, 1935, the Atlantic Seafood Packers, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24586. Adulteration of tomato puree. U. S. v. 650 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 34525. Sample no. 25835–B.)

This case involved canned tomato puree that contained excessive mold.

On December 8, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 650 cases of canned tomato puree at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about September 24, 1934, by J. R. Poole Co. (manufacturer, Great Lakes Packing Co., Farnham, N. Y.) from Farnham, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Old Gold Brand Tomato Puree Packed for Geo. D. Emerson Co., Boston, Mass."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On April 22, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24587. Adulteration of pickles. U. S. v. 50 Cases, et al., of Pickles. Default decree of condemnation and destruction. (F. & D. no. 34553. Sample nos. 27377–B, 27378–B, 27379–B.)

This case involved a shipment of pickles that contained added saccharin.

On or about December 19, 1934, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 173 cases of pickles at Topeka, Kans., alleging that the article had been shipped in interstate commerce on or about July 28 and September 21, 1934, by the Southern Pickle Co., from St. Louis, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Our Favorite Brand Sliced

Sweet Pickles Packed and Guaranteed by Southern Manufacturing Co. St. Louis."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, saccharin, which might have rendered it injurious to health.

On April 6, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24588. Misbranding of canned peas. U. S. v. 400 Cases of Canned Peas. Decree of condemnation. Product released under bond. (F. & D. no. 34600. Sample no. 3817–B.)

This case involved an interstate shipment of canned peas which fell below the standard established by this Department, because of the presence of an excessive amount of hard peas, and which were not labeled to indicate that they were substandard.

On December 21, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 cases of canned peas at St. Paul, Minn., alleging that the article had been shipped in interstate commerce, on or about August 13 and August 19, 1934, by the Clyman Canning Co., from Markesan, Wis., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Official Brand Wisconsin Early June Peas * * * Packed by Clyman Canning Co. Factory Clyman, Wis. Office Hartford, Wis."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On April 20, 1935, the Clyman Canning Co. having appeared as claimant for the property, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act.

W. R. GREGG, *Acting Secretary of Agriculture.*

24589. Adulteration and misbranding of cocoa compound. U. S. v. 48 Tins and 49¾ Dozen Tins of Cocoa Compound. Default decrees of condemnation and destruction. (F. & D. nos. 34467, 34602. Sample nos. 17273–B, 17627–B.)

These cases involved shipments of cocoa compound that was adulterated because of the presence of excessive lead. The article was also misbranded since it was composed of ingredients which were not properly labeled as "Cocoa Compound."

On December 3 and December 26, 1934, the United States attorneys for the District of New Jersey and the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 48 tins of cocoa compound at Elizabeth, N. J., and 49¾ dozen tins of cocoa compound at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 12 and November 13, 1934, by the Chas. H. Phillips Chemical Co., in part from New York, N. Y., and in part from Glenbrook, Conn., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sweet Cocoa Compound Phillips' Digestible Cocoa Compound Consisting of Cocoa Sugar and Phosphates with Vanilla Flavoring * * * Prepared by The Chas. H. Phillips Chemical Company, New York."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the statement on the label, "Cocoa Compound", was false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of cocoa, sugar, flavor, and phosphates.

On April 4 and June 11, 1935, no claimant appearing judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24590. Adulteration of tomato catsup. U. S. v. 269 Cases, et al., of Catsup. Decrees of condemnation and destruction. (F. & D. nos. 34691, 34745, 34987. Sample nos. 25220–B, 25274–B, 27959–B.)

These cases involved tomato catsup that contained excessive mold.

On January 5 and January 10, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 661 cases of catsup at Chicago, Ill. On January 22, 1935, a libel was filed in the Eastern District of Missouri against 110 cases of tomato catsup at St. Louis, Mo. The libels alleged that the article had been shipped in interstate commerce in part on or about October 2, 1934, and in part on or about December 31, 1934, by the Snider Packing Corporation, from Fairmount, Ind., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Snider Catsup * * * Snider Packing Corporation General Office Rochester, N. Y."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On April 3 and April 4, 1935, the cases having been called and the Snider Packing Corporation, the sole intervenor, having waived its claim to the product, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24591. Adulteration of tomato puree. U. S. v. 244 Cases, et al., of Tomato Puree. Default decrees of destruction. (F. & D. nos. 34881, 35023, 35188. Sample nos. 27384–B, 27460–B, 28056–B, 28057–B.)

These cases involved canned tomato puree that contained excessive mold.

On January 17 and January 28, 1935, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 346 cases of tomato puree at Kansas City, Mo. On February 26, 1935, a libel was filed in the Eastern District of Missouri against 165 cases of tomato puree at St. Louis, Mo. The libels charged that the article had been shipped in interstate commerce between the dates of September 10 and December 24, 1934, by the Dugger-Van Zant Packing Co., from Noblesville, Ind., and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled: "Dinner Club Tomato Puree * * * Packed by Dugger Van Zant Packing Co. Noblesville, Ind." A portion was labeled: "Pallas Tomato Puree * * * Ridenour-Baker Grocery Co. Distributors Kansas City, Mo." The remainder was unlabeled.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On April 1, April 19, and May 13, 1935, no claimant having appeared, judgments were entered ordering that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24592. Adulteration of apples. U. S. v. 24 Bushels and 61 Bushels of Apples. Default decrees of condemnation and destruction. (F. & D. nos. 35021, 35022. Sample nos. 25007–B, 25008–B, 25010–B.)

Examination of the apples involved in these cases showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On October 30, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 85 bushels of apples at Rockford, Ill., alleging that the article had been shipped in interstate commerce on or about October 10, 1934, by the Dierks Fruit Co., from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Millburg Growers Exchange Millburg, Mich."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

On April 15, 1935, no claimant having appeared, judgments of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24593. Adulteration of canned shrimp. U. S. v. 74 Cases of Canned Shrimp. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 35033. Sample no. 29275–B.)

This case involved a shipment of canned shrimp which was in part decomposed.

On or about January 31, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 74 cases of canned shrimp at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 25, 1934, by the Deer Island Fish & Oyster Co., from Bayou Labatre, Ala., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On April 16, 1935, the Messcher Brokerage Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24594. Adulteration of walnut meats. U. S. v. 253 Cases of Walnut Meats. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 35042. Sample nos. 11927–B, 11928–B.)

This case involved shipments of walnut meats which were in part wormy and moldy.

On January 30, 1935, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 253 cases of walnut meats at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce between the dates of September 5, 1934, and January 15, 1935, by M. Laff, from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On February 9, 1935, the W. H. Bintz Co., Salt Lake City, Utah, claimant, having admitted that the product was in part wormy and moldy, judgment was entered ordering that it be released under bond conditioned that it be sorted and regraded and the unfit portion destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24595. Misbranding of olive oil. U. S. v. 29 Cans of Alleged Olive Oil. Default decree of condemnation and destruction. (F. & D. no. 35047. Sample no. 25869–B.)

This case involved a product consisting chiefly of domestic cottonseed oil containing little or no olive oil, which was labeled to create the impression that it was pure olive oil.

On January 31, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 gallon cans of alleged olive oil at Worcester, Mass., alleging that the article had been shipped in interstate commerce on or about January 18, 1935, by Montecalvo Bros., from Providence, R. I., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Vieste Gargano Brand Pure Olive Oil."

The article was alleged to be misbranded in that the following statements "Vieste Gargano Pure Olive Oil", "Olio Puro di Oliva", "Prodotto Di Vieste-Italia Impaccato dai Vieste Gargano Co. The olive oil contained in this can is of finest quality & guaranteed absolutely pure under chemical analysis", "L'olio di oliva impaccato in questa latta e' garentito puro sotto analisi chimica", and the designs of branches bearing olives, appearing on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product was chiefly domestic cottonseed oil with little or no olive oil. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, olive oil, and that it purported to be a foreign product when not so.

On April 8, 1935, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24596. Adulteration of canned mackerel. U. S. v. 524 Cases of Canned Mackerel. Portion of product condemned and destroyed. Remainder released. (F. & D. no. 35067. Sample no. 27524–B.)

This case involved a shipment of canned mackerel which was in part decomposed.

On February 5, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 524 cases of canned mackerel at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about September 14, 1934, by the Seaboard Packing Corporation, from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Dixiland Brand Mackerel * * * Packed by Seaboard Packing Corporation, Long Beach, California."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On February 21, 1935, an order of the court was entered permitting joint sampling of the product by the consignee and this Department, the results of which showed that portions identified by certain code marks were decomposed and that the remainder was fit for human consumption. On March 29, 1935, judgment was entered ordering the condemnation and destruction of the decomposed portions and the release of the fit portion upon payment of costs by the consignees.

W. R. Gregg, *Acting Secretary of Agriculture.*

24597. Adulteration of apples. U. S. v. 21 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 35082. Sample no. 18610–B).

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On October 23, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 bushels of apples at Rockford, Ill., alleging that the article had been shipped in interstate commerce on or about October 15, 1934, by the B. & G. Fruit Co., from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Grimes Golden Washed Apples * * * Gail Johnson So Haven Mich."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

On April 15, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24598. Adulteration of tangerines. U. S. v. 125 Boxes of Tangerines. Default decree of condemnation and destruction. (F. & D. no. 35101. Sample no. 24176–B.)

This case involved a shipment of tangerines which were in part decomposed.

On January 21, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 125 boxes of tangerines at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 17, 1935, by A. D. Symonds & Son, from Orlando, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "A D S Brand Oranges & Grapefruit * * * A. D. Symonds & Son, Orlando, Fla."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On February 13, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24599. Adulteration of butter. U. S. v. 27½ Cases of Butter. Consent decree of destruction. (F. & D. no. 35106. Sample nos. 4768–B, 4769–B, 4770–B.)

This case involved a shipment of butter which contained mold, insects, and nondescript dirt.

On December 27, 1934, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27½ cases of butter at Roanoke, Va., alleging that the article had been shipped in interstate commerce on or about December 1, 1934, by Swift & Co., from Lexington, Ky., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Swift's Brookfield Butter * * * Distributed by Swift & Company General Offices: Chicago."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On April 30, 1935, Swift & Co. having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24600. Adulteration of tomato catsup. U. S. v. 24 Cases and 46 Cases of Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. nos. 35114, 35434. Sample nos. 21569–B, 21613–B, 30714–B.)

These cases involved shipments of tomato catsup that contained excessive mold.

On or about February 8 and April 25, 1935, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 70 cases of tomato catsup at Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about January 7 and January 23, 1935, by the Red Wing Co., from Fredonia, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Red Wing Pure Tomato Catsup * * * The Red Wing Company, Inc. Fredonia, N. Y."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On May 7, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24601. Misbranding of honey. U. S. v. 351 Cases of Honey. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 35127. Sample no. 25173–B.)

Sample cans of honey taken from the shipment involved in this case were found to contain less than 10 pounds, the weight declared on the label.

On February 9, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 351 cases of honey at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 6 and December 8, 1934, by William Atchley, from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pure Pack California Honey From William Atchley Upland, California Net Weight 10 Pounds."

The article was alleged to be misbranded in that the statement on the label, "Net Weight 10 Pounds", was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 18, 1935, William Atchley, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

24602. Adulteration of tomato puree. U. S. v. 99 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35139. Sample no. 11970–B.)

This case involved a shipment of tomato puree, samples of which were found to contain fragments of bodies of worms and insects, small insects, and worm hair.

On February 16, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cases of tomato puree at Denver, Colo., consigned by George W. Goddard Co., from Ogden, Utah, alleging that the article had been shipped in interstate commerce on or about October 17, 1934, from the State of Utah into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Tomato Puree * * * Packed by Royal Canning Corporation Ogden, Utah."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On April 13, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24603. Misbranding of canned peas. U. S. v. 925 Cases of Canned Peas. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 35143. Sample no. 14738-B.)

This case involved a shipment of canned peas which fell below the standard established by this Department because of the presence of an excessive number of hard peas, and which were not labeled to show that they were substandard.

On February 16, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 925 cases of canned peas at Salem, Mass., alleging that the article had been shipped in interstate commerce on or about September 2, 1934, by the Johannes Pure Food Co., Inc., from Port Washington, Wis., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Whiz Brand Sugar Sweet Peas * * * Packed by Knellsville Canning Co. Port Washington, Wis."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On April 16, 1935, the Johannes Pure Food Co., Inc., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

24604. Adulteration of canned huckleberries. U. S. v. 16 Cases of Canned Huckleberries. Default decree of destruction. (F. & D. no. 35206. Sample no. 26112-B.)

This case involved a shipment of canned huckleberries which were infested with worms.

On February 28, 1935, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 cases of canned huckleberries at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about September 6, 1934, by the Standard Brands of California, from Sumner, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Charmed Land Brand Huckleberries Packed by Puyallup and Sumner Fruit Growers Association, Puyallup, Washington."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On April 27, 1935, no claimant having appeared, judgment was entered finding the product adulterated and ordering that it be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24605. Adulteration of canned tomato puree. U. S. v. 2,910 Cans of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35214. Sample no. 27998-B.)

This case involved canned tomato puree that contained excessive mold.

On March 4, 1935, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in

the district court a libel praying seizure and condemnation of 2,910 cans of tomato puree at Collinsville, Ill., alleging that the article had been shipped in interstate commerce on or about September 25, 1934, by the Everitt Packing Co., from Underwood, Ind., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On April 30, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24606. Adulteration of canned tomato puree. U. S. v. 275 Cans of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35215. Sample nos. 27974–B, 27984–B.)

This case involved canned tomato puree that contained excessive mold.

On March 5, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two hundred and seventy-five 5-gallon cans of tomato puree at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 13, 1934, by M & R Canning Co., from Owensboro, Ky., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On April 1, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24607. Adulteration of tomato catsup. U. S. v. 89 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 35228. Sample no. 22823–B.)

This case involved tomato catsup that contained excessive mold.

On March 7, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 89 cases of tomato catsup at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about October 24, 1934, by the Fettig Canning Co., from Elwood, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Shirley Brand Quality Supreme Catsup Packed by Shirley Canning Co. Shirley, Ind."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On April 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24608. Misbranding of barley feed. U. S. v. 408 Bags of Barley Feed. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 35235. Sample no. 8341–B.)

This case involved a shipment of barley feed that contained less protein than declared on the label.

On or about March 8, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 408 bags of barley feed at Ellicott City, Md., alleging that the article had been shipped in interstate commerce on or about January 23, 1935, by H. C. Knoke & Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Barley Feed Guaranteed Analysis Crude Protein 14.00% * * * Manufactured by H. C. Knoke & Co. * * * Chicago, Ill."

The article was alleged to be misbranded in that the statement on the tag, "Crude Protein 14.00%", was false and misleading and tended to deceive and mislead the purchaser, since it contained less protein than declared.

On April 23, 1935, a claim for the product having been interposed, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

24609. Misbranding of canned tomatoes. U. S. v. 235 Cases and 310 Cases of Canned Tomatoes. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 35256. Sample nos. 22821–B, 22822–B.)

This case involved a shipment of canned tomatoes which fell below the standard established by this Department, and which were not labeled to indicate that they were substandard.

On March 13, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 545 cases of canned tomatoes at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about October 24, 1934, by the Fettig Canning Co., from Elwood, Ind., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Mary's Choice Brand Extra Standard Tomatoes * * * Packed by Fettig Canning Co. Elwood, Ind."

The article was alleged to be misbranded in that it was canned food and fell below the standard and quality promulgated by the Secretary of Agriculture because it was not whole or in large pieces as evidenced by its low drained weight, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard. Misbranding was alleged for the further reason that the statement on the label, "Extra Standard", was false and misleading and tended to deceive and mislead the purchaser, since the product was substandard.

On June 19, 1935, the Fettig Canning Co. having appeared as claimant for the property, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

24610. Adulteration of poultry. U. S. v. 10 Barrels and 24 Barrels of Dressed Poultry. Default decree of condemnation and destruction. (F. & D. nos. 35268, 35269. Sample nos. 16953–B, 16954–B.)

Examination of the dressed poultry involved in this case showed some of the fowls to be diseased.

On March 14, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 barrels of dressed poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 28, 1935, by M. Zimmerman, from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was in part a product of diseased animals.

On April 9, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24611. Adulteration of canned huckleberries. U. S. v. 200 Cases of Canned Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 35276. Sample no. 15346–B.)

This case involved an interstate shipment of canned huckleberries which were insect-infested.

On March 18, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of canned huckleberries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 18, 1935, by James Fenwick Co., from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fenwick Brand Water Pack Huckleberries * * * Packed for James Fenwick Co., Portland, Oregon."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On April 20, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24612. Adulteration of frozen shrimp. U. S. v. 5 Boxes of Frozen Shrimp. Default decree of condemnation. (F. & D. no. 35280. Sample no. 14079–B.)

This case involved frozen shrimp which was in whole or in part decomposed.

On March 19, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of five boxes of frozen shrimp at Washington, D. C., alleging that the article was in possession of the Terminal Refrigerating & Warehousing Corporation, Washington, D. C., and was being offered for sale in the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "1310 H. F. Lewis & Sons Hampton, Va." A portion of the article was labeled: "1310 Delmar Lewis, Marshallburg, N. C." The remainder of the article was marked "1310."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On April 12, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be disposed of by the United States marshal in such manner as would not violate the provisions of the Federal Food and Drugs Act.

W. R. Gregg, *Acting Secretary of Agriculture.*

24613. Adulteration of bulk tea. U. S. v. 18,000 Chests and Bags of Bulk Tea. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 35283. Sample no. 21644–B.)

This case involved a lot of imported tea which had been damaged by fire and water and the containers of which were matted with mold.

On March 22, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18,000 chests and bags of bulk tea at New York, N. Y., alleging that the article had been imported by the Carter Macy Tea & Coffee Co., and Mitsui & Co., both of New York, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that valuable constituents had been wholly or in part abstracted because of water damage; in that it contained an added deleterious ingredient, namely, harbor water used in extinguishing the fire, which might have rendered it injurious to health; and in that it consisted wholly or in part of a filthy vegetable substance.

On April 11, 1935, the Carter Macy Tea & Coffee Co., Inc., Mitsui & Co., and the Anglo-American Direct Tea Trading Co., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the unfit portion be segregated and destroyed or denatured.

W. R. Gregg, *Acting Secretary of Agriculture.*

24614. Adulteration of frozen shrimp. U. S. v. 3 Boxes of Frozen Shrimp. Default decree of condemnation. (F. & D. no. 35288. Sample no. 36012–B.)

This case involved frozen shrimp which was wholly or in part decomposed.

On March 20, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of three boxes, each containing 100 pounds of frozen shrimp, at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about March 13 and March 14, 1935, by the Ballard Fish & Oyster Co., Inc., from Norfolk, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From Ballard Fish & Oyster Co. Inc. * * * Norfolk, Va."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On April 12, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be disposed of by the United States marshal in such manner as would not violate the provisions of the Federal Food and Drugs Act.

W. R. Gregg, *Acting Secretary of Agriculture.*

24615. Adulteration of frozen shrimp. U. S. v. 4,410 Pounds of Frozen Shrimp. Default decree of condemnation and destruction. (F. & D. no. 35323. Sample no. 21670-B.)

This case involved frozen shrimp which was wholly or in part decomposed.

On March 21, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4,410 pounds of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 18, 1933, by the Joe Mendes Shrimp Co., from Brunswick, Ga., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On April 25, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24616. Misbranding of canned peas. U. S. v. 195 Cases of Canned Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 35344. Sample no. 32981-B.)

This case involved a shipment of canned peas which had been prepared from soaked dry peas, and which were labeled to convey the impression that they were prepared from green succulent peas.

On April 8, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 195 cases of canned peas at Kansas City, Mo., alleging that the article had been shipped in interstate commerce in various shipments on or about September 7, 11, and 13, 1934, by the Norfolk Packing Co., from Plattsmouth, Nebr., and charging misbranding in violation of the Food and Drugs Act. The labeling bore the following statements: "Grade A [or "B"] Sterling Quality Prepared from Dry Sweet Variety [or "Early Variety"] Peas * * * Distributed by Canned Food Mart Chicago, Ill.", and a vignette of green peas in pods.

The article was alleged to be misbranded in that the following statements and design, borne on the label, were false and misleading and tended to deceive and mislead the purchaser when applied to soaked dry peas: (Grade A) "Grade A Sweet Variety Peas"; (grade B) "Grade B [also on some labels "Sweet Variety Peas"]"; (all) "'If It's Canned It's Fresh' * * * Picked and packed when the Flavor is Perfect The fresh-from-the-garden flavor tells that the contents was canned immediately upon picking. Retaining that delicate and delicious flavor, * * * utmost in quality [vignette of green peas in pods]."

On April 25, 1935, the Norfolk Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

24617. Adulteration of canned huckleberries. U. S. v. 35 Cases and 24 Cases of Canned Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 35346. Sample nos. 20048-B, 26501-B.)

This case involved a shipment of canned huckleberries which were found to be infested with worms.

On April 6, 1935, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 59 cases of canned huckleberries at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about March 5, 1935, by the Rogers Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Famous Puyallup Brand Water Pack Huckleberries * * * Pacific Northwest Canning Co., Puyallup, Wash., Distributors." The remainder was labeled: "Lucky Find Water Pack Huckleberries * * * Chehalis Packing Co., Chehalis, Wash., Distributors."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 1, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24618. Adulteration of tomato catsup. U. S. v. 694 Cases of Tomato Catsup. Tried to the court. Judgment for the Government. Decree of condemnation and destruction. Adulteration of tomato puree and adulteration and misbranding of tomato catsup. U. S. v. 1,303 Cases of Tomato Puree, et al. Decrees of condemnation. Puree released under bond; catsup destroyed. (F. & D. nos. 34739, 35266, 35270, 35318, 35332, 35333, 35348. Sample nos. 3821–B, 21750–B, 27861–B, 28278–B, 32944–B, 32945–B, 32960–B, 32987–B, 32988–B.)

These cases involved shipments of tomato puree and tomato catsup that contained excessive mold. One lot of tomato catsup was short volume.

On January 10, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,303 cases of tomato puree at Minneapolis, Minn. On March 14, March 22, April 1, April 4, and April 5, 1935, libels were filed in various district courts against 545½ cases of tomato catsup at Lincoln, Nebr., 740 cases of tomato catsup at Omaha, Nebr., 200 cases of tomato catsup at New York, N. Y., 281½ cases of tomato catsup at Jackson, Tenn., and 697 cases of tomato catsup at Matoon, Ill. The libels alleged that the articles had been shipped in interstate commerce between the dates of October 4, 1934, and March 20, 1935, by the Shirley Canning Co., from Shirley, Ind., and that they were adulterated; and that one shipment of the tomato catsup was also misbranded in violation of the Food and Drugs Act as amended. The articles were labeled, variously: "Shirley (Brand) Tomato Puree * * * Packed by Shirley Canning Co. Shirley, Indiana"; "Polly Brand Catsup * * * H. P. Lau Co. Distributors Lincoln-Fremont Nebr."; "Checker Tomato Catsup * * * Seeman Brothers, Inc. Wholesale Distributors, New York"; "Shirley Brand Quality Supreme Catsup Packed by Shirley Canning Co. Shirley, Ind."; "Pantry Pride Tomato-Catsup Holmes Wildhaber Company, Omaha, Nebr. Distributors"; "14 Fluid Ozs. [or "14 Ozs."] Special Brand Tomato Catsup Packed for Hulman & Co. Terre Haute, Ind."

The articles were alleged to be adulterated in that they consisted wholly or in part of decomposed vegetable substances.

Misbranding was alleged with respect to one lot of the tomato catsup for the reason that the statement "14 Fluid Ozs." was false and misleading and tended to deceive and mislead the purchaser; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement was incorrect.

On July 30, 1935, the Shirley Canning Co. having appeared as claimant for 694 cases of the product seized at Omaha, Nebr., the case came on for trial before the court. Evidence having been introduced on behalf of the Government and the claimant, judgment was entered July 31, 1935, finding that the product was adulterated and ordering that it be condemned and destroyed. On April 29, 1935, the Farmers' Canning Co., having appeared as claimant for the tomato puree labeled at Minneapolis, Minn., judgment of condemnation was entered and it was ordered that the product be released upon the deposit of a cash bond conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act. On April 23, April 25, June 22, July 31, and September 23, 1935, no claim having been entered for the tomato catsup seized in the remaining cases, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24619. Adulteration of tea. U. S. v. 449 Cases and 150 Cases of Tea. Consent decree of condemnation. Product released under bond conditioned that the deleterious substance be removed. (F. & D. no. 35361. Sample nos. 17650–B, 21646–B, 21650–B.)

This case involved tea, a part of which was packed in aluminum-lined cases and a part packed in lead-foil-lined cases. Examination showed that the tea in the lead-foil-lined cases contained an excessive amount of lead.

On April 11, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 599 cases of tea at New York, N. Y., alleging that the article had been imported on or about November 15, 1934, the shipment having been made by T. H. Estabrooks Co., Ltd., from St. Johns, New Brunswick, into the State of New York, and charging that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On May 1, 1935, Ernest A. Nathan and H. Edward Lawrence, trading as George C. Cholwell & Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the portion of the product which was packed in cases lined with lead foil be segregated and processed so as to eliminate the lead.

W. R. Gregg, *Acting Secretary of Agriculture.*

24620. Adulteration of prunes. U. S. v. 350 Boxes of Prunes. Default decree of condemnation and destruction. (F. & D. no. 35385. Sample no. 31504–B.)

This case involved a shipment of prunes which were in part decomposed and dirty.

On April 15, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 350 boxes of prunes at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 7, 1935, by Ben Greenbaum, from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 22, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24621. Adulteration of dried figs. U. S. v. 214 Bags of Dried Figs. Default decree of condemnation and destruction. (F. & D. no. 35392. Sample no. 21645–B.)

This case involved a shipment of dried figs which were worm-infested.

On April 18, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 214 bags of dried figs at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 20, 1934, by the Pacific Raisin Co., of Fowler, Calif., from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On May 7, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24622. Adulteration and misbranding of tomato catsup. U. S. v. 24 Cases, et al., of Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. nos. 35398, 35409, 35445. Sample nos. 15194–B, 15199–B, 15826–B.)

These cases involved tomato catsup that contained excessive mold and was in a process of fermentation. Portions of the article were also short weight.

On April 29 and April 30, 1935, the United States attorney for the District of Arizona, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 97 cases of tomato catsup in various lots at Douglas, Nogales, Prescott, and Flagstaff, Ariz., respectively, alleging that the article had been shipped in interstate commerce in part on or about December 4, 1934, and in part on or about January 7, 1935, by the Crown Products Corporation, from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Lady's Choice Tomato Catsup Net Weight 14 Ozs. Crown Products Corp. San Francisco Los Angeles Kansas City."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

Misbranding was alleged with respect to portions of the product for the reason that the statement on the label, "Net Weight 14 Ozs.", was false and misleading and tended to deceive and mislead the purchaser; and for the further reason that it was food in package form and the quantity of the con-

tents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect.

On May 27, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24623. Adulteration of shrimp. U. S. v. 2 Barrels and 190 Pounds of Shrimp. Default decrees of condemnation and destruction. (F. & D. nos. 35404, 35405. Sample nos. 24363–B, 24364–B.)

These cases involved shrimp which was in part decomposed.

On April 2, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2 barrels and 190 pounds of shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about March 28, 1935, by the Golden Meadow Shrimp Co., from Raceland, La., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a decomposed animal substance.

On April 22, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24624. Adulteration of butter. U. S. v. 4 Cans of Butter. Default decree of condemnation and destruction. (F. & D. no. 35406. Sample no. 21705–B.)

This case involved a shipment of butter which contained mold and filth.

On April 6, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cans of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 23, 1935, by Williamson Bros., from Tecumseh, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From Williamson Bros., Tecumseh, Mich."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On April 25, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24625. Adulteration of grapefruit. U. S. v. 400 Boxes of Grapefruit. Consent decree of condemnation and forfeiture. Product ordered sorted and decomposed portion destroyed. (F. & D. no. 35438. Sample no. 26158–B.)

This case involved grapefruit which was in part dried and decomposed.

On March 29, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 boxes of grapefruit at Denver, Colo., consigned by H. A. Pollard, Inc., from Winterhaven, Fla., alleging that the article had been shipped in interstate commerce on or about March 22, 1935, from the State of Florida into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Florida Citrus Fruit South State Brand. H. A. Pollard, Inc. Winterhaven, Fla.

The article was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

On April 1, 1935, H. A. Pollard, Inc., having consented to the entry of a decree, judgment of condemnation and forfeiture was entered and it was ordered that the product be sorted, and that the good portion be sold and the bad portion destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

Apples: N. J. no.
B. & G. Fruit Co 24597
Dierks Fruit Co 24592
Dilks, N. J., & Co 24575
Johnson, Gail 24597
Mechling, E. A 24575
Millburg Growers Exchange 24592
Roberts, Emmor 24574
Barley feed. *See* Feed.
Butter:
Ashley Creamery 24558
Hall, J. N 24554
Hoef, T. L 24578
Lexington Ice & Creamery Co 24554
Lowenfels, Albert 24551
Lowenfels, C. B 24551
Lowenfels, F. F 24551
Lowenfels, Frederick F., & Son 24551
Monroe City Creamery 24578
Nation-Wide Stores Co 24564
Peerless Ice Cream & Butter Co 24577
Seiling, R. R 24577
Southern Maid Dairy Products Corporation 24569
Sugar Creek Creamery Co 24564
Swift & Co 24554, 24599
Washington Creamery Co 24573
Williamson Bros 24624
Chocolate-flavored egg malted milk:
Doral Food Products Co., Inc 24561
Cocoa compound:
Phillips, Chas. H., Chemical Co 24589
Coffee:
Johnson Coffee Co 24557
Suwannee Stores 24557
Confectionery:
Haas, Geo., & Sons 24576
strawberry pennants:
Osfer Specialty Co., Inc 24568
Cottonseed meal. *See* Feed, cottonseed products.
Feed:
barley:
Knoke, H. C., & Co 24608
cottonseed products:
Cairo Meal & Cake Co 24572
Gainesville Oil Mill 24571
Humphreys-Godwin Co 24572
Planters Cotton Oil Co 24571
Figs:
Goebel Pratt Co 24582
Northern Grocery Co 24582
Pacific Raisin Co 24621
Rosenberg Bros 24582
Fish:
mackerel, canned:
Seaboard Packing Corporation 24596
sardines, canned:
Furtado, M. F 24584
tuna, canned:
French Sardine Co., Inc 24562
Grapefruit:
Pollard, H. A., Inc 24625
Honey:
Atchley, William 24601
Huckleberries, canned:
Chehalis Packing Co 24617
Fenwick, James, Co 24611
Pacific Northwest Canning Co 24617
Puyallup & Sumner Fruit Growers Association 24604
Rogers Co 24617
Standard Brands of California 24604
Jelly:
Musselman, C. H., Co 24560
Mackerel, canned. *See* Fish.
Oil, vegetable, edible:
Aulino, Carmelo 24583
Aulino, C., Packing Co 24583
Geraldi-Dorman, Inc 24570
Goldsmith, Isidor 24559, 24566
Goldsmith, Nathan 24559, 24566
Oil, vegetable, edible—Continued. N. J. no.
Herold, P., & Sons 24559
Italian Olive Oil Corporation 24579
Manhattan Coffee & Sugar Co 24566
Ragus Packing Corporation 24559
Stern, Morris 24559, 24566
olive:
Montecalvo Bros 24595
Turco, Umberto 24567
Peas, canned:
Canned Food Mart 24616
Clyman Canning Co 24588
Griffin Manufacturing Co 24553
Johannes Pure Food Co., Inc 24603
Knellsville Canning Co 24603
Norfolk Packing Co 24616
Pickles:
Southern Manufacturing Co 24587
Southern Pickle Co 24587
Potatoes:
Idaho Sales Co 24556
Poultry:
Zimmerman, M 24610
Prunes:
Greenbaum, Ben 24620
Salad oil. *See* Oil, vegetable, edible.
Sardines. *See* Fish.
Shellfish:
shrimp:
Golden Meadow Shrimp Co 24623
canned:
Atlantic Seafood Packers, Inc 24585
Deer Island Fish & Oyster Co 24593
Dunbar-Dukate Co 24580
Robinson Canning Co., Inc 24563
Smith, J. A 24581
Smith, James A., & Co 24581
Trappeys, B. F., Sons, Inc 24565
frozen:
Ballard Fish & Oyster Co., Inc 24614
Lewis, Delmar 24612
Lewis, H. F., & Sons 24612
Mendes, Joe, Shrimp Co 24615
Terminal Refrigerating & Warehousing Corporation 24612
Strawberry pennants. *See* Confectionery.
Tangerines:
Symonds, A. D., & Son 24598
Tea:
Estabrooks, T. H., Co., Ltd 24619
Macy, Carter, Tea & Coffee Co 24613
Mitsui & Co 24613
Tomato catsup:
Crown Products Corporation 24622
Fettig Canning Co 24607
Holmes Wildhaber Co 24618
Hulman & Co 24618
Lau, H. P., Co 24618
Red Wing Co 24600
Seeman Bros., Inc 24618
Shirley Canning Co 24607, 24618
Snider Packing Corporation 24590
juice:
Davies, K. M., Co., Inc 24552
puree:
Dugger-Van Zant Packing Co 24591
Emerson, Geo. D., Co 24586
Everitt Packing Co 24605
Goddard, George W., Co 24602
Great Lakes Packing Co 24586
M & R Canning Co 24606
Poole, J. R., Co 24586
Ridenour-Baker Grocery Co 24591
Royal Canning Corporation 24602
sauce:
Calliguria Food Products Co 24555
Ossola Bros., Inc 24555
Tomatoes, canned:
Fettig Canning Co 24609
Tuna. *See* Fish.
Walnut meats:
Laff, M 24594

U. S. GOVERNMENT PRINTING OFFICE: 1936

N. J., F. D. 24626–24700 Issued April 1936

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

24626–24700

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 24, 1936]

24626. Misbranding of Picri Stringent. U. S. v. Alpha Laboratory, Inc. Plea of guilty. Fine, $50. (F. & D. no. 30158. Sample no. 3129–A.)

This case was based on a shipment of a drug preparation which was misbranded because of unwarranted claims appearing in the labeling regarding its alleged curative, therapeutic, antiseptic, and germicidal properties.

On September 29, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Alpha Laboratory, Inc., Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about March 15, 1932, from the State of Illinois into the State of Wisconsin, of a quantity of Picri Stringent which was misbranded.

Analysis showed that the article consisted essentially of sodium chloride, sodium alum, boric acid, and a small proportion of picric acid. Bacteriological examination showed that the article was not an antiseptic nor a germicide when used as directed.

The article was alleged to be misbranded in that certain statements on the bottle label and carton and in a circular shipped with the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for all forms of excessive and abnormal vaginal discharges; effective as a treatment for subnormal or unhealthful conditions of the uterus and vagina; effective as a treatment for infectious diseases, pain and discomfort, burning sensations, mental depression, and weakness caused by irritations of the mucous membrane of the uterus and vagina; effective to keep the area healthy; effective as a treatment for whites, or leucorrhea, and acrid discharges from inflamed mucous membranes; effective to clean and heal the parts; effective as a treatment sufficiently healing and corrective in leucorrhea; and effective as a powerful preventive of germ diseases. Misbranding was alleged for the further reason that the statements, "Vaj-Aseptic is intended as a wholesome antiseptic * * * Picri Stringent is also a more powerful preventive of germ diseases", appearing in the circular, were false and misleading since the article when used as directed was not an antiseptic and was not a germicide.

On April 24, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $50.

W. R. Gregg, *Acting Secretary of Agriculture.*

24627. Misbranding of Dr. Penor's Antiseptic Uterine Tablets and Dr. Penor's Regulator Pills. U. S. v. (Doctor) George D. Stoner (Dr. G. D. Stoner Co.). Plea of nolo contendere. Fine $2,000. Sentence suspended and defendant placed on probation for two years. (F. & D. no. 30160. I. S. nos. 45978, 47609, 47610, 50998. Sample nos. 3420–A, 5656–A, 5823–A, 5824–A, 15431–A, 15432–A.)

This case was based on interstate shipments of drug preparations the labeling of which bore unwarranted curative and therapeutic claims.

On August 8, 1934, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against Dr. George D. Stoner, trading as the Dr. G. D. Stoner Co., Lakeland, Fla., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, between the dates of May 2, 1931, and August 5, 1932, from the State of Florida into the States of Indiana, Tennessee, and Oklahoma, of quantities of Dr. Penor's Antiseptic Uterine Tablets and Dr. Penor's Regulator Pills which were misbranded.

Analysis of a sample of Dr. Penor's Antiseptic Uterine Tablets showed that they consisted of sodium chloride colored with a yellow dye. Analyses of samples of the Regulator Pills showed that they consisted essentially of aloe, ferrous sulphate, volatile oils including pennyroyal oil, and a trace of an unidentified alkaloid, coated with sugar and colored pink.

Dr. Penor's Uterine Tablets were alleged to be misbranded in that certain statements in the labeling, regarding its therapeutic and curative effects, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for uterine ailments; effective as a treatment for female diseases, such as leucorrhoea or whites, inflammation, ulceration, congestion, and falling of the womb, cancer in earlier stages and all unnatural discharges from the womb and vagina; effective as a treatment, remedy, and cure for diseases of women; effective as a positive tonic and as a remedy for some of the most prevalent forms of diseases affecting the pelvic organs of the female; effective to preserve the health and vigor of the sex and as a treatment for numerous female complaints; effective as a treatment for female weakness; effective as a treatment for severe headaches, sense of weight, fullness and bearing down in the lower part of the abdomen, pains in the back and across the abdomen, great soreness in the region of the ovaries, bladder difficulties, constipation, piles, nervous depression, despondency, hysteria, constant tired feeling and disinclination to exercise; effective as a treatment for womb diseases, frequent and scalding urination, rectal irritation, congestion and enlargement of the womb, inflammation of the womb, ulceration of the womb, cancerous affection of the womb and falling of the womb, forward, backward, and downward; effective to cause the womb to regain its normal position and condition; effective as a treatment, remedy, and cure for acute ulceration; effective as a relief from morbid conditions in change of life; effective to so strengthen and cleanse the whole organism that long years of perfect health will follow the cessation of the menses; and effective as a treatment, remedy, and cure for leucorrhoea (whites or catarrh of vagina or womb); effective as a preventive of uterine derangements, irritability of mind, nervousness, hysteria, difficult respiration, sterility, and consumption; effective as a treatment, remedy, and cure for derangements of the monthly flow and suppressed, painful, irregular, profuse, or excessive menstruation; effective to restore to that normal state in which menstruation is free from pain; effective to regulate irregular, profuse, and suppressed menstruation and to correct abnormal conditions due to derangement of the monthly flow; effective as beneficial in cases of pregnancy up to the seventh month; effective as a relief of more than one half the suffering at childbirth; effective as a valuable remedy for any trouble incurred during confinement; effective as a remedy for lacerations or any injury to the mother during childbirth; effective as a treatment, remedy, and cure for nervous and sick headache, backache, irritation of the stomach, spinal irritation, pain between the shoulders, distressing sensation in the back of the head and numbness and coldness of the extremities produced by a diseased condition of the womb; effective as a treatment, remedy, and cure for inflammation of the bladder, frequent urination and burning and scalding sensation; effective to reduce inflammation and also the size and weight of the womb; and effective as an antiseptic preventative for disease and to insure complete destruction of any germ present on the surface of the tissues.

Misbranding of Dr. Penor's Regulator Pills was alleged for the reason that certain statements regarding the therapeutic and curative effects of the article, appearing in the labeling, falsely and fraudulently represented that it was effective as a regulator for female diseases; effective as a treatment for amenorrhoea; effective as a reliable monthly regulator; effective to overcome weakness and irregularity from all causes and to banish pains of menstruation; effective to have a direct and specifically stimulating action on the entire function of menstruation; effective to give relief to the suffering system; effective as a reliable remedy for all functional derangements of the female reproductive organism; effective as a treatment and relief for amenorrhoea (suppression of the menses due to colds, ill health, and other morbid causes).

On November 6, 1934, the defendant entered a plea of nolo contendere and the court ordered that sentence be withheld for 12 months. On November 5, 1935, the defendant was sentenced to pay a fine of $2,000. Sentence was suspended and defendant was placed on probation for 2 years.

W. R. Gregg, *Acting Secretary of Agriculture.*

24628. Adulteration and misbranding of compound tincture of cinchona. U. S. v. John Wyeth & Bro., Inc. Tried to the court and a jury. Verdict of guilty. Fine, $250. (F. & D. no. 30172. Sample no. 8280–A.)

This case was based on an interstate shipment of compound tincture of cinchona, which differed from the standard prescribed by the United States Pharmacopoeia, and which was not labeled to show its own standard.

On February 9, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John Wyeth & Bro., Inc., trading at Philadelphia, Pa., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 22, 1932, from the State of Pennsylvania into the State of New Jersey of a quantity of compound tincture of cinchona which was adulterated and misbranded. The article was labeled in part: "Compound Tincture Cinchona U. S. P. 10th Revision * * * John Wyeth & Brother Incorporated Philadelphia."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation in that it yielded not more than 0.376 gram of the alkaloids of cinchona per 100 cubic centimeters; whereas the pharmacopoeia provides that compound tincture of cinchona shall yield not less than 0.4 gram of the alkaloids of cinchona per 100 cubic centimeters; and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard of quality under which it was sold, in that it was represented to be compound tincture of cinchona which conformed to the standard prescribed by the United States Pharmacopoeia, tenth revision; whereas it was not compound tincture of cinchona which conformed to the standard prescribed by that authority.

Misbranding was alleged for the reason that the statement, "Compound Tincture Cinchona U. S. P. 10th Revision", borne on the label, was false and misleading.

On June 17, 1935, a plea of not guilty having been entered on behalf of the defendant company, the case came on for trial before the court and a jury. Evidence on behalf of the Government and defendant company was introduced, and arguments of counsel heard at the conclusion of which the court delivered the following charge to the jury:

Dickinson, *Judge:* Members of the jury: You have something to decide, a question to answer, and the suggestion that I am in the habit of making to all juries is before you; answer that question; get clearly in your mind what the question is which you are answering. I commend that to you in this case.

Now, what is the question in this case which you will answer by your verdict? It is a question which arises out of what are known as the Pure Food and Drug Laws of the United States. You all understand the general purpose of those laws, you all appreciate the importance of them. Different concerns and individuals are in the business of selling drugs to what we call the consumer, the ultimate person who buys them for use. You all know a term used in medical science. It is toxic. They say things are toxic. What do they mean by that? What they mean by that is what we understand in the vernacular of every day life as poison. Yet, although they are poisonous, they may be very valuable medicinal drugs. Take arsenic, for instance, or strychnine. They are poisonous. One a mineral poison and the other a vegetable poison. But each a poison; if taken in undue quantities they will cause damage, even the death of a person who takes them into his or her system. Used in less quantity, they may be very effective in restoring us to health.

You see the importance when you go to buy something to get what you are buying and not something else. Now, that is the general purpose of these laws, to require dealers in these drugs, some of which as I have said, may be in themselves poisonous, that they shall be supplied in such proportions as

they may be a remedial agent instead of a lethal agent. The same thing applies to other things, to the food we take in our stomach. We want to be assured that it is pure and unadulterated, and safe to take.

Well, you can run the whole gamut of all these things in which people deal. Therefore, I say you will appreciate the importance of this law.

Now, somebody must determine what the proper proportion of ingredients in any drug as administered is, and the United States has published what is called the United States Pharmacopoeia which gives the relative quantities of these different ingredients which should be used and administered in any drug that is medicinally used. Now, of course, this feature of the case enters the picture. These drugs are intended to produce or intended to have a certain result. In order to produce that result there must be a certain proportionate quantity of a particular drug in the medicine that is sold. If it is less than that required to accomplish the purpose; it won't accomplish it and our money is thrown away. Our hopes are blasted. Perhaps we may succumb to a disease from which we might have recovered if the proper medicine were administered. You have also the other element, if there is more of the drug than is required, instead of it being remedial, the thing may have the most disastrous consequences. So you will appreciate that it is necessary that the law should specify definitely what these relative quantities are, and with respect to this particular drug or medicine it has prescribed it and given a limit as to the contents, relative contents of this remedial agent which is known as cinchona bark, or, what in ordinary language is commonly called quinine, and we all understand what that is. The United States Pharmacopoeia sets down the limits of those quantities and they are represented—you can carry them in your minds better by the figures five and four. There must be a quantity which is represented by the figure five, and not more than that, because more than that may be injurious to the human system. We put down the other figure which you can carry in your minds as four. There must be at least that much of the particular drug in question or it won't have the effect upon the system which it is expected to have. So you get those limits which you can carry in your minds as five and four. Not more than five and not less than four.

The charge against these defendants, is that they sold this medicine which did not conform with the requirements of the United States Pharmacopoeia for that medicine. We will first turn to the maximum requirement, which you will call five, and determine whether or not it was within that limit. Under all the evidence in this case, the medicine sold by the defendants did not exceed five. Now, you will go to the other question, the minimum, the least quantity, relative quantity which can be used in this medicine, which we have represented for the purposes of this case, by the figure four. The next charge against these defendants is that they put out a medicine with less than the required quantity. Now, of course, you will have in mind the importance of this law; the value to all of us in its enforcement and the value to all the people of its enforcement, and, of course, it is your duty as a jury to render your aid, as it is the duty of the trial judge to render his aid to the enforcement of that law.

You also have in mind the importance to these defendants and to any manufacturer of any medicine. There is their reputation in the trade. That would be involved. Their profits would be involved. Therefore, you can see the importance to them that they should not unjustly be condemned as having been guilty of an infraction of the law, unless the evidence justifies the jury in reaching that conclusion.

I think out of this you will see what the real question before you is. Did this medicine contain less than the quantity specified in the United States Pharmacopoeia? This law is perfectly fair. It does not require any dealer to put forth a medicine which conforms with the United States Pharmacopoeia, but if they label it under a name which purports to say that it does comply with the United States Pharmacopoeia, then it must comply. If there is less in its ingredients or if there is more in its ingredients, all the dealer has to do is to say so on his label; say what it does contain so that the person who buys it and pays the price knows precisely what he is to get, and knows whether or not he gets it. That is all they have to do. If they depart from the required standard, they merely have to indicate that on their labels by saying the figure is not in accordance with the United States Pharmacopoeia, but it is something else, and setting forth what that something else is. So, you can see the law is perfectly fair in its requirements.

Therefore, direct your attention to this, for it is the only question before you, and the answer to which governs your verdict. Did this medicine, which was put out under a name recognized and used in the United States Pharmacopoeia, contain the ingredients which the law requires it to contain? The law requires a quantity not less than what we have called the figure four. You are to determine whether or not the proportion of this ingredient we have called cinchona bark was a proportion represented by less than the figure four. Now, if it was less, I charge you that under the evidence you may find a verdict of—what will we call it, guilty? What is the form of the verdict?

Mr. CURTIN. In this type of case it is just a guilty verdict.

The COURT. When you are asked whether or not you have agreed upon your verdict, you can say that your finding is guilty. If this evidence has not convinced you that the relative proportion of the ingredient is represented by less than the figure four, then your verdict would be not guilty. Now, did it contain less than the quantity which I have referred to for convenience by the figure four?

You will want to know under the evidence in this case, when is the test to be applied, when it is manufactured? When it is sold to the ultimate consumer? When it is sold to what we call the retail dealer, the druggist, or when is the test to be applied. That is a question of law, and I charge you that the test is to be applied at the time when this drug was sold by the manufacturer, and under the evidence in this case I charge you that you may find that it was sold at the time when it was shipped in interstate commerce. Not at the time it was manufactured, but when it was sold.

There is evidence in this case that this particular product or medicine deteriorates. It may have at one time a certain relative quantity of the particular drug and it may have at a later time a less quantity. That is due in part to precipitation. You all know that any liquid may hold other things in solution. If that liquid is set down, or, in a bottle stood up on a druggist's counter, it may be that those ingredients which are in what we call solution, suspended in the liquid, may be precipitated. That is, they may drop to the bottom of the vessel or bottle in which they are contained, and you can all understand that. A very familiar illustration of it is the liquid we know as water. It may be taken from a stream or spring and shortly after stored and it may be what we call muddy. If you put it in a vessel and allow it to stand, that mud will fall to, or be precipitated to the bottom, and you look at it and you see a layer of mud at the bottom and what you would call pure water above it.

Of course, if anybody would take a siphon and be careful to take only that part of the contents from this bottle which is represented by what I have called the pure water, and analyze it, he would without doubt get a very different result from the man who took the sample which he assayed from the bottom of the bottle where this precipitate was. You can all understand that. That enters into this case. What we are concerned with in this case, is the accumulated contents of the whole mixure, not the part of it which was precipitated to the bottom, not the part which was unprecipitated, but the relative contents of the whole mixture. You have heard all the evidence.

I may say that there is evidence in the case that aside from this precipitate or incrustation, there may be a chemical change which results, and there may be a loss of what you might call the strength of the medicine, independently of this precipitate, but it means this, as far as you are concerned; you are to find what the contents of this medicine were, when it was sold, and that means when it was shipped in interstate commerce from the factory by the manufacturer. Direct your whole attention to that, and determine that question according to your best judgments.

That is really all there is in this case. Let me repeat, if you find under all the evidence that this medicine was put out by the manufacturer and shipped in interstate commerce and it contained less of this ingredient which we have called cinchona than what would be represented by the figure four, then you would be justified in rendering a verdict of guilty. If under all the evidence you are unconvinced of that, and unwilling to make that verdict, then, when you are asked the question, your response would be that you find the defendants not guilty.

Is it the desire of counsel that I should charge the jury upon the question of reasonable doubt?

Mr. PHILLIPS. I should like a word on that subject, yes.

The COURT. Members of the jury, this is a penal statute. You all understand that there is a difference, more than formal, it is substantial, in the verdict that you render in so-called criminal cases than what you render in other cases. The lawyers know that under the name or doctrine of reasonable doubt. That doctrine applies in criminal cases but does not apply to civil cases.

I have been advised that jurors sometimes have a little difficulty in grasping just what is meant by that doctrine of reasonable doubt. I will try to make that clear to you. If you are trying what we will call a civil case, where the question to be decided is where a man owes a bill which he is asked to pay or not, or, if you are trying a case to determine whether a man is guilty of negligence to find out who caused the injury to another, or any question of that kind, that belongs to the division of the law which we call the civil branch as distinguished from the criminal. The evidence is heard by the jury pro and con. It may be clear, it may be contradictory, it may leave your minds in a more or less of an unsettled state as to the verdict you should render. In a civil case, you render a verdict according to your judgment on what is called the weight of the evidence. In other words, you ask yourselves the question, "Now, under this evidence what should the verdict be? Should the verdict be for the plaintiff or for the defendant?" and you reach the best judgment you can, undisturbed by any thought of reasonable doubt. If you are asked after you render your verdict whether or not you are sure that you were right, you would be fully justified in answering "No, we were by no means sure"; and if you were asked, "But there was some doubt about whether the verdict should be for the plaintiff or the defendant?" you would say, "Yes, we were all troubled with this doubt, there was a good deal of doubt, but that was the best judgment to which we could come under all the evidence in the case", and that would be a sound verdict.

In a criminal case, the law requires something more than that. It requires a jury really to answer two questions, first, "What do you think under all the evidence in this case, and the weight of the evidence, is this man guilty or not guilty?" and your judgment may be, "We think he is guilty", but before you render that verdict you ask yourselves the second question, and that is, "Well, we all think he is guilty, but is there a reasonable doubt as to the correctness of that judgment?" and you take up that second question and answer it.

You want to know what the law means by a reasonable doubt. It means precisely what that indicates, a doubt that rises out of your reason. It must be founded upon something. It is not any mere whim of unbelief or disbelief. That is not reasonable, and it is not a reasonable doubt. If a doubt is suggested, then you take up the question, "What is a reasonable doubt?" Is there any good reason why you should render a different verdict from that which you would otherwise render? You answer that as you answer every other question and you determine whether or not under all the evidence in the case you reasonably should refuse to render the kind of a verdict which you would have otherwise rendered under what I call the weight of the evidence.

I think you appreciate the distinction between those two things. Ask yourselves the first question, "Under all the evidence in this case did the defendants put out upon the market a product of less medicinal value than what the law requires?" That, you may present to your minds under the figure four. Under all the evidence in the case, how does your judgment incline on that question? If it inclines in favor of the defendants, then, of course, that is the end of it and your verdict is not guilty. If it, however, inclines against the defendants, then, you ask yourselves the second question, "Is there any reasonable doubt—reasonable doubt—as to the correctness of that conclusion to which we have come?" If your answer is that there is no reasonable doubt, your verdict would be one of guilty. If in answer to that second question your minds are disturbed by a reasonable doubt, after considering all the evidence in the case you are unable to remove that doubt from your minds and it still continues in the case, then under the law your duty would be to render a verdict of not guilty.

The points submitted I have covered, I think, in the general charge. Insofar as they are affirmed, they are affirmed and insofar as they are not so affirmed, they are disaffirmed, with an exception allowed to the respective parties.

I assume you will enter into the usual stipulation of rendering the verdict——

Mr. PHILLIPS. I will move that the record be transcribed and filed.

The COURT. Members of the jury, you may retire to your room to deliberate on your verdict. You will have to stay together until you have rendered

your verdict. You need not wait for the Court to be in session. Under the agreement of counsel, whenever you have agreed upon your verdict, you may announce it to the officer in charge, and the clerk will take your verdict.

The jury retired.

The following points for charge were submitted by the Government:

(1) If the jury believes as a matter of fact that interstate shipments, all of which are included in the Government's samples, was below the minimum United States Pharmacopoeia, then the jury must bring in a verdict of guilty. (2) The standards of the United States Pharmacopoeia as defined in section 7, in the case of drugs, paragraph 1, are to all intents and purposes parts of the law, and such drug products shipped in interstate commerce should not be deviated in any degree from these standards.

CHARLES D. MCAVOY, *United States Attorney.*

The following points for charge were submitted by the defendants:

The Learned Trial Judge is respectfully requested, on behalf of the defendant, to charge the jury as follows:

(1) On all the evidence your verdict should be for the defendant on the first count.
(2) On all the evidence your verdict should be for the defendant on the second count.

C. RUSSELL PHILLIPS, *Attorney for Defendant.*

On June 18, 1935, the jury returned a verdict of guilty and the court imposed a fine of $250.

W. R. GREGG, *Acting Secretary of Agriculture.*

24629. Misbranding of Espiritu Water. U. S. v. Doris E. Lame (The Espiritu Water Co.). Plea of guilty. Fine, $200. Sentence suspended and defendant placed on probation for 1 year. (F. & D. no. 30219. Sample no. 38888.)

This case was based on an interstate shipment of mineral water which contained smaller amounts of certain minerals than declared on the label. The labeling contained unwarranted curative and therapeutic claims.

On September 10, 1934, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Doris E. Lame, trading as the Espiritu Water Co., Safety Harbor, Fla., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about October 26, 1931, from the State of Florida into the State of Massachusetts of a quantity of Espiritu Water which was misbranded.

The article was alleged to be misbranded in that certain statements regarding its curative and therapeutic effects, borne on the bottle label and in a leaflet shipped with the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for diseases of the stomach, liver, and kidneys, rheumatism, neuritis, kidney stones, and other kidney irregularities; effective as a cure for Bright's disease, bladder troubles, diabetes, dropsy, high blood pressure, gout, stomach and bowel troubles, eczema, psoriasis, cystitis, calculus, sciatica, and all other forms of rheumatism, catarrh of the stomach, digestive troubles of the stomach and bowels, chronic skin disease, chronic skin disease of the squamous varieties and chronic conditions due to malarial infections; and effective as beneficial for many kidney and rheumatic conditions. Misbranding was alleged for the further reason that the statements "Spring No. 2 * * * Peroxide Iron and Alumina .1692 Sodium Chloride 137.8520 Magnesium Chloride 25.8768 Potassium Sulphate 3.4815 Calcium Sulphate 19.7172 Calcium Carbonate 12.6145 Silica .9972 Total Solids by Evaporation 254.9195", appearing in the leaflet, were false and misleading in that the said statements represented that the article consisted of mineral water containing certain specified quantities of the said ingredients; whereas it contained less than the stated quantities of the said ingredients.

On June 11, 1935, the defendant entered a plea of guilty and the court imposed a fine of $200, and ordered that sentence be suspended and the defendant placed on probation for 1 year.

W. R. GREGG, *Acting Secretary of Agriculture.*

24630. Adulteration and misbranding of fluidextract of squill. U. S. v. 21 Pint Bottles of Fluidextract Squill. Default decree of condemnation and destruction. (F. & D. no. 31264. Sample no. 55785–A.)

This case involved a shipment of fluidextract of squill, samples of which were found to have a potency of less than two-fifths of that required by the United States Pharmacopoeia.

On October 23, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 bottles of fluid-

extract squill at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 19, 1933, by B. R. Elk & Co., from Dundee, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Fluid Extract Squill USP."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard of strength was not stated on the container.

Misbranding was alleged for the reason that the statement on the label, "Fluid Extract Squill USP", was false and misleading.

On April 4, 1935, no answer having been filed by the claimant, default decree of condemnation was entered and the court ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24631. Misbranding of Dr. J. O. Lambert's Syrup. U. S. v. 6 Packages and 32 Bottles of Dr. J. O. Lambert's Syrup. Default decree of condemnation and destruction. (F. & D. no. 31735. Sample no. 47194–A.)

This case involved an interstate shipment of a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On December 26, 1933, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6 packages and 32 bottles of Dr. J. O. Lambert's Syrup, at Burlington, Vt., alleging that the article had been shipped in interstate commerce on or about October 4, 1933, by Dr. J. O. Lambert, Ltd., from Troy, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Dr. J. O. Lambert's Syrup"; (bottle) "Relief of Coughs * * * etc * * * for Catarrh"; (carton) "For Coughs * * * Bronchitis Asthma"; and similar statements in foreign languages.

Analysis showed that the article consisted essentially of chloroform, creosote, volatile oils including sassafras oil, menthol, and methyl salicylate, small proportions of magnesium sulphate and a benzoate, sugar, and water.

The libel charged that the article was misbranded. The charge recommended by this Department was that the article was misbranded in that the following statements in the labeling, regarding its curative and therapeutic effects, were false and fraudulent: "* * * for the relief of Coughs, * * * etc. * * * For Catarrh * * * For Coughs, * * * Bronchitis, Asthma"; and similar statements in foreign languages.

On June 10, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24632. Misbranding of Pheno-Cosan. U. S. v. 22 One-Ounce Jars, et al., of Pheno-Cosan. Consent decrees of condemnation and destruction. (F. & D. nos. 32058, 32590. Sample nos. 56092–A, 64252–A, 64253–A, 64271–A, 64272–A.)

These cases involved a drug preparation which was misbranded because of unwarranted curative and therapeutic claims contained in the labeling, and because the jars contained less than declared.

On March 5 and April 27, 1934, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of forty-four 1-ounce jars, sixteen 2-ounce jars, and eight 4-ounce jars of Pheno-Cosan at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 11 and February 16, 1934, by the Whitney Payne Corporation, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of a mercury compound, a salicylate, and tar incorporated in an ointment base composed of fatty acids and water.

The article was alleged to be misbranded in that the following statements in the labeling were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: (Carton) "For Local treatment of Acute and Chronic Eczema"; (jar label) "For Acute and Chronic Eczema * * * Eczema, (also known as Tetter, Salt Rheum, Scaly Head, etc.)

* * * are promptly eliminated by Pheno-Cosan. Directions In eczema and other skin condition, * * * For * * * wounds, sores, etc."; circular) "Infant cases Indicated in Acute or Chronic Eczema, Impetigo, * * * Pruritis arising from Diabetes, Measles, or from any other cause. Applications may be from 2 to 6 daily, * * * rubbing gently till absorbed. In scalp condition, * * *." Misbranding was alleged for the further reason that the statements on the cartons, "1 oz. size", "2 oz. size", and "4 oz. size", respectively, were false and misleading, since the jars contained materially less than 1 ounce, 2 ounces, and 4 ounces, respectively, of the article.

On June 6 and June 27, 1935, the Whitney Payne Corporation, claimant, having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24633. Adulteration and misbranding of Vitamized Stock Compound and Vitamized Poultry Compound. U. S. v. 47 Three-Pound Packages of Vitamized Stock Compound, et al. (F. & D. no. 32067. Sample nos. 42553-A, 42554-A.)

These cases involved products represented to be stock and poultry conditioners and remedies containing yeast and cod-liver oil. Examination showed that they contained no yeast or cod-liver oil, and that the labeling bore unwarranted curative and therapeutic claims.

On March 6, 1934, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 packages and 1 case of free samples of Vitamized Stock Compound, and 47 packages of Vitamized Poultry Compound at Nashville, Tenn., alleging that the articles had been shipped in interstate commerce on or about September 26, 1932, from Fostoria, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Vitamized Stock Compound [or "Vitamized Poultry Compound"] * * * Vitamized Products Company, Tiffin, Ohio."

Analyses showed that the stock compound consisted essentially of calcium carbonate and magnesium sulphate, with small amounts of an iron compound, sulphur, nux vomica, quassia, fenugreek, and potassium iodide; and that the poultry compound consisted essentially of calcium carbonate with magnesium sulphate, and small proportions of an iron compound, sulphur, capsicum, quassia, and potassium iodide. No yeast or cod-liver oil was found in either product.

The articles were alleged to be adulterated in that their strength fell below the professed standard or quality under which they were sold.

Misbranding was alleged for the reason that certain statements appearing on the packages of the articles were false and misleading, and for the further reason that certain statements, designs, or devices appearing upon and within the packages regarding the curative or therapeutic effects of the articles, were false and fraudulent.

On February 12, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24634. Adulteration and misbranding of A-R-T (Allen's Rheumatic Treatment). U. S. v. Hart M. Allen (Hart M. Allen Laboratories). Plea of guilty. Fine, $600. (F. & D. no. 32114. Sample nos. 23092-A, 26157-A, 37410-A.)

This case was based on interstate shipments of a drug preparation that was adulterated because of the presence of acetanilid in excess of the amount declared, and was misbranded because of unwarranted curative and therapeutic claims in the labeling.

On March 26, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Hart M. Allen, trading as the Hart M. Allen Laboratories, Los Angeles, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about May 22, July 15, and August 25, 1932, and February 1, 1933, from the State of California into the State of Oregon of quantities of A-R-T which was adulterated and misbranded. The information further charged that on or about November 16, 1932, the defendant had sold and delivered to a purchaser at San Francisco, Calif., a quantity of A-R-T Allen's Rheumatic Treatment under a guaranty that it conformed with the Federal Food and Drugs Act; that the article in the

identical condition as when sold and delivered was shipped by the purchaser from the State of California into the State of Nevada; and that it was in fact adulterated and misbranded in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "A-R-T Allen's Rheumatic Treatment (Tablet Form)." The remainder was labeled: "A-R-T Tablets."

The article consisted of blue and white tablets. Analyses showed that the blue tablets consisted essentially of acetylsalicylic acid; and that the white tablets contained sodium bicarbonate, caffeine, and acetanilid (the three samples containing 5.0 grains, 5.2 grains and 5.0 grains, respectively, of acetanilid per tablet).

The article was alleged to be adulterated in that it fell below the professed standard and quality under which it was sold in the following respects: The product in one shipment was represented to contain in each ounce 168 grains of phenylacetamide, namely acetanilid, whereas each ounce of the said tablets contained more than 168 grains of acetanilid, namely, not less than 246.5 grains of acetanilid. The product in the remaining shipments was represented to contain in each white tablet 3½ grains of acetanilid, whereas each of the white tablets contained more than 3½ grains of acetanilid, samples taken from each of the two lots having been found to contain 5.2 grains and 5 grains, respectively, of acetanilid.

Misbranding was alleged for the reason that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the label and in circulars and leaflets shipped with certain lots, falsely and fraudulently represented that it was effective as a treatment for rheumatism; effective as a quick relief for neuritis, lumbago, gout, and rheumatism of all kinds, such as sciatic, articular, muscular, and inflammatory; effective as a remedy for rheumatism in all its forms, including sciatic, muscular, inflammatory, and articular; effective as a cure for neuritis; effective to give quick relief from pains and aches, and to give complete relief, to break up and to give complete cures in the most severe and stubborn cases of rheumatism, neuritis, lumbago, and gout; effective as a quick and wonderful relief from the awful pains and aches suffered by those afflicted with rheumatism, neuritis, lumbago, and gout; effective as a pain reliever in all rheumatic and neuralgic diseases; effective as a treatment, remedy, and cure for toothache, earache, locomotor ataxia pains, migraine, fever (feverish conditions), ovarian pains, and pains and aches peculiar to women; effective as a relief for insomnia due to rheumatic and neuritis pains; and effective to induce sound sleep at night free from all aches and pains.

On April 22, 1935, the defendant entered a plea of guilty and the court imposed a fine of $600.

W. R. Gregg, *Acting Secretary of Agriculture.*

24635. Misbranding of Iodine Crumble. U. S. v. Everett A. Huffine. Plea of nolo contendere; judgment of guilty. Fine, $100 on first count; defendant placed on probation on remaining count. (F. & D. no. 32117. Sample nos. 2368–A, 50861–A.)

This case was based on interstate shipments of a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On October 1, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Everett A. Huffine, Los Angeles, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act on or about September 30, 1931, and August 12, 1933, from the State of California into the State of Colorado of quantities of Iodine Crumble which was misbranded.

Analyses of samples showed that the article consisted essentially of small masses of calcium carbonate with small amounts of silica and iron compound. Free iodine was absent, but iodine in combined form was present. Phenolphthalein was found in one sample.

The article was alleged to be misbranded in that certain statements on the label falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for round worms (ascardia) and tapeworms in poultry.

On May 13, 1935, the defendant having entered a plea of nolo contendere on both counts, judgment of guilty was entered and the court imposed a fine of $100 on the first count and ordered that the defendant be placed on probation for two years on the remaining count.

W. R. Gregg, *Acting Secretary of Agriculture.*

24636. Misbranding of Nervo Forza. U. S. v. Hector A. Pietri. Plea of guilty. Fine, $25. (F. & D. no. 32144. Sample no. 7862–A.)

This case was based on a shipment of a drug preparation the labeling of which contained unwarranted curative and therapeutic claims. Analysis showed that the product contained alcohol in excess of the percentage declared on the label.

On November 28, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Hector A. Pietri, a member of a partnership trading as the International Pharmacal Co., New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 2, 1933, from the State of New York to San Juan, P. R., of a quantity of Nervo Forza which was misbranded.

Analysis showed that the article contained glycerin, calcium and sodium phosphates, strychnine, sugar, a trace of anise, other vegetable extractive, and 10.6 percent of alcohol by volume.

The article was alleged to be misbranded in that certain statements borne on the bottle and carton labels and contained in the circular shipped with the artice, falsely and fraudulently represented that it was effective as a powerful reconstituent of the brain and nervous system and as an excellent regulator of the blood; effective as a regulator of the blood and sovereign food for the brain; effective as a tonic for weak men and women as an aid in run-down conditions and general weakness, physical and mental exhaustion, lack of animation, loss of appetite and for all sickness caused by poor blood or nervous disorders; convalescence from various wasting diseases, such as typhoid, scarlet, and malaria fevers, grip, pneumonia and menstrual disorders; effective as a treatment, remedy, and cure for anemia and general debility, cerebral anemia, nervous debility, neurasthenia, melancholy, sexual debility or impotency, and all such diseases due to impoverishment of the blood and nervous troubles; nervous prostration, chlorosis. urinariasis, espermatorrhea, dysmenorrhea and all such diseases that depend on the blood and nerve; and effective as a treatment for women without nervous energies due to menstrual disorders and liable to physical and mental exhaustion during the convalescence of parturition or any other disease; effective as a treatment for anemia in general, defective nerve cell nutrition, nerve weakness of the aged, loss of memory, insomnia, inappetence and all such diseases due to impoverishment of the blood and nervous troubles; effective to stimulate the nerves and to serve as an organic nutrient of the nervous cells, as well as to stimulate the economy without producing depressive reaction; effective to increase the cellular activity, regularize or accelerate the digestion; effective as the most energetic vigorizing agent, and an ideal preparation for weak women and men; effective to renew lost vigor; effective as a treatment for anemic and weak conditions the result of paludism; and effective to strengthen the tissues, exalt the nutrition of the nerves and cerebral centers, increase the calcic and azoated changes, prevent the dismineralization of infectious diseases, stimulate the defensive processes of the organism and combat malnutrition; effective as an energetic stimulant to the muscular functions; and effective to tonify the cardiac muscle, to regularize the circulation, to act efficaciously over the digestive canal, to activate the gastro-intestinal functions, to activate the diuresia, to tonify the general condition of the system and to leave it in a condition to defend itself against all influences and the diathesis; effective to give the blood the necessary elements to resist and defend itself against infectious anemia, to communicate a surprising strength and extraordinary activity to the muscles, to energetically enliven and tonify the nerves, to strengthen and stimulate the weakened heart, to produce easy and abundant gastro-intestinal secretions and to tonify at the same time the muscular fibers of the digestive tract, to increase and regularize the nutritive changes, to insure a normal general condition of the system, to recover lost vital energy, and to give strength, energy, and vitality to weak and anemic persons; and effective as a treatment, remedy, and cure for insomnia. nurasthenia, ill humor, and inappetence in women; and effective to restore lost strength and tonify the nerves of women. Misbranding was alleged for the further reason that the statement on the carton, "Alcohol 5%", was false and misleading, since the article contained more than 5 percent of alcohol, and for the further reason that the article contained alcohol and the label failed to bear a statement of the quantity and proportion of alcohol contained therein.

On May 13, 1935, the defendant entered a plea of guilty and the court imposed a fine of $25.

W. R. Gregg, *Acting Secretary of Agriculture.*

24637. Misbranding of Va-Jel and Vaj-Aseptic. U. S. v. Alpha Laboratory, Inc. Plea of guilty. Fine, $50. (F. & D. no. 32167. Sample nos. 28200–A, 36501–A.)

This case was based on shipments of drug preparations which were misbranded because of unwarranted curative and therapeutic claims appearing in the labeling. The product Vaj-Aseptic was further misbranded because of unwarranted claims as to its alleged antiseptic, germicidal, and bacteria-destroying properties.

On January 7, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Alpha Laboratory, Inc., Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about December 5, 1932, from the State of Illinois into the State of Colorado, and on or about January 5, 1933, from the State of Illinois into the State of Wisconsin of quantities of Va-Jel and Vaj-Aseptic, respectively, which were misbranded.

Analyses by this Department showed that the Va-Jel consisted of a white semisolid mass containing boric acid (1.2 percent), gum tragacanth, lactic acid, glycerin, traces of oxyquinoline sulphate and oil of citronella, and water; and that the Vaj-Aseptic consisted essentially of sodium chloride (67.8 percent), sodium bicarbonate (28.14 percent), and small proportions of thymol and menthol.

The information charged that the articles were misbranded in that certain statements, designs, and devices regarding the curative and therapeutic effects appearing in the labeling, falsely and fraudulently represented that they were effective: (Va-Jel) to insure health and youth to wives and mothers; effective to insure youthful faces; effective to retain youthful freshness and beauty and to keep the body perfectly clean and sanitary and the mind free from worry and anxiety; effective as a preventive against disease; effective to keep the bloom of youth, prevent disease, and insure health and strength; and effective to cause the rapid elimination of bacteria, including leucorrhea (whites) and disagreeable discharge; effective as a food for the tender walls; effective as a preventive of female irregularities; effective as a prophylactic and to heal the delicate membranes and tissues in the vaginal tract; effective as a treatment for subnormal or unhealthful conditions of the uterus and vagina, venereal diseases, nervousness, pain and discomfort, burning sensations, and mental depression; (Vaj-Aseptic) as a treatment for subnormal or unhealthful conditions of the uterus and vagina; effective as a treatment for infectious diseases, nervousness, pain and discomfort, burning sensations, mental depression, and weakness caused by irritations of the mucous membrane of the uterus and vagina; effective to keep the area healthy; effective as a treatment for whites, or leucorrhea, and acrid discharges from inflamed mucous membranes; and effective to clean and heal the parts. Misbranding of the Vaj-Aseptic was alleged for the further reason that the following statements, (leaflet) "Vaj-Aseptic * * * for the vaginal douche—a cleansing, healing, bacteria-destroying powder to be used whenever needed", (circular) "Vaj-Aseptic is intended as a wholesome antiseptic * * * Dissolve two heaping teaspoonfuls of * * * Vaj-Aseptic * * * in a glass or cup of hot water", and (carton) "Vaj-Aseptic A Vaginal Douche Powder * * * One heaping teaspoonful of Vaj-Aseptic must be used for each quart of warm water", were false and misleading, since the said article when used as directed was not aseptic, was not a harmless antiseptic, and was not a germicide, namely, a cleansing, healing, bacteria-destroying powder.

On April 24, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $50.

W. R. Gregg, *Acting Secretary of Agriculture.*

24638. Adulteration and misbranding of fluidextract of aconite. U. S. v. 5 Bottles of Fluidextract of Aconite. Default decree of condemnation and destruction. (F. & D. no. 32754. Sample no. 64345–A.)

This case involved a shipment of fluidextract of aconite which was found to have a potency of not more than 29 percent of that required by the National Formulary. The labeling of the product also bore unwarranted curative and therapeutic claims.

On May 24, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5 bottles of fluidextract of aconite at Lafayette, Ind., alleging that the article had been shipped in interstate commerce on or about June 11, 1931, by Allaire Woodward

& Co., from Peoria, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Fluidextract Aconite Root * * * N. F. Fifth."

The article was alleged to be adulterated in that it was sold under a name recognized in the National Formulary, and differed from the standard of strength as determined by test laid down in the National Formulary, and its own standard was not stated upon the bottles containing the said article.

Misbranding was alleged for the reason that the statement, "Fluidextract Aconite Root * * * N. F. Fifth", was false and misleading, since it was not of the standard of strength laid down in the National Formulary. Misbranding was alleged for the further reason that the statements, "Used with benefit in rheumatism, gout, neuralgia and catarrhal affections", borne on the label, were statements regarding the curative or therapeutic effects of the article and were false and fraudulent.

On April 5, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24639. Misbranding of Trunk's Prescription. U. S. v. 71 Packages of Trunk's Double Prescription, et al. Default decree of condemnation and destruction. (F. & D. no. 32842. Sample nos. 66796–A, 66797–A.)

This case involved an interstate shipment of Trunk's Prescription and Adecta Liniment the labeling of which contained unwarranted curative and therapeutic claims. Analysis showed that Trunk's Prescription contained a drug which might be harmful.

On June 13, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 71 packages of Trunk's Double Prescription, each package containing 1 bottle of Trunk's Prescription (Liquid) and 1 tube of Adecta Liniment, and 143 bottles of Trunk's Prescription (Liquid) at Great Falls, Mont., alleging that the articles had been shipped in interstate commerce on or about October 13, 1928, by Trunk Bros. Drug Co., from Denver, Colo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that Trunk's Prescription (Liquid) was composed of potassium iodide (2.9 grams per 100 milliliters), extracts of plant drugs including colchicum and a laxative drug, alcohol, and water; and that the Adecta Liniment was composed of mustard oil, camphor, and a trace of phenol incorporated in petrolatum.

The articles were alleged to be misbranded in that the following statements appearing on the labeling were statements regarding the curative and therapeutic effects of the articles and were false and fraudulent: (Carton, Double Prescription) "This package contains a bottle of Trunk's Liquid Prescription and a tube of Trunk's Adecta Liniment which we recommend in the treatment of Rheumatism * * * is recommended by us in the treatment of Rheumatism * * * We recommend Trunk's Double Prescription in the treatment of Acute and Chronic Rheumatism Arthritis (Rheumatic or Gouty in character) Lumbago Nodes (A hard concretion formed around gouty or rheumatic joints) Rheumatism Rheumatism * * * (Those more chronic conditions of disturbed metabolism known variously as uric acid diatheses) * * * does not require dieting"; (carton, Prescription (Liquid)) "We recommend this prescription as a general * * * tonic and in the treatment of such forms of rheumatism and skin diseases as arise from a deranged condition of the blood. * * * Trunk's Adecta Liniment is Recommended for Local Application, Especially in Conjunction with Trunk's Liquid Prescription, in the Treatment of Rheumatism * * * We recommend Trunk's Prescription in the treatment of Acute and chronic Rheumatism. Arthritis (Rheumatic or Gouty in character.) Lumbago Nodes (A hard concretion formed around gouty or rheumatic joints. Rheumatism Rheumatism * * * (Those more chronic conditions of disturbed metabolism known variously as uric acid diatheses) * * * does not require dieting"; (Adecta Liniment, label and small circular) "* * * force out as much of the Adecta as required to cover the painful parts"; (small circular, both products) "Eat all the meat and all the good food you desire, avoiding only acids, such as lemons and vinegar [user is led to believe by this statement that he can eat all foods except acids such as lemons and vinegar without fear of any harmful results when taking this medicine as directed]"; (large circular, both products) "Rheumatism The average person prefers the sure

thing which has stood the supreme test in the treatment of certain of those ills to which our flesh is heir * * * Once nerve-racked, sleepless people from torturing pain now certify to relief. Trunk's Prescription is designed to relieve pain, stiffness, inflammation and congestion with remarkable efficiency and promptness. * * * No dieting is necessary to make it effective"; (bottle label, both products) "We recommend this prescription as a general * * * tonic and in the treatment of such forms of rheumatism and skin diseases as arise from a deranged condition of the blood. * * * especially in conjunction with Trunk's Adecta Liniment, in the treatment of the various forms of rheumatism."

The Department in its recommendation to the United States attorney reported that the label of the article also bore the following statements and requested that the libel be drawn to charge that they were false and misleading: (Carton, Double Prescription) "This Prescription is harmless if the directions are followed. It does not depress the heart or ruin the stomach;" (carton, Prescription (Liquid)) "This prescription is harmless if the directions are followed. It does not depress the heart nor ruin the stomach * * * It cannot harm you if you will follow the directions"; (small circular, both products) "This prescription does not ruin the stomach * * * it cannot harm the stomach"; (large circular, both products) "It does not depress the heart nor ruin the stomach."

On February 19, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24640. Adulteration and misbranding of citrated effervescing solution of magnesia and misbranding of hydrogen peroxide. U. S. v. James J. Kaplan (Diamond Drug & Magnesia Co.) Plea of nolo contendere. Fine, $5. (F. & D. no. 32910. Sample nos. 46907–A, 46982–A.)

This case was based on an interstate shipment of citrated effervescing solution of magnesia which failed to comply with the requirements of the United States Pharmacopoeia and which was not labeled to show its own standard of strength, quality, and purity. The case also covered a shipment of hydrogen peroxide which was misbranded because of unwarranted curative and therapeutic claims in the labeling.

On April 10, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against James J. Kaplan, trading as the Diamond Drug & Magnesia Co., Boston, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about June 24, 1933, from the State of Massachusetts into the State of Rhode Island, of a quantity of citrated effervescing solution of magnesia which was adulterated and misbranded, and on or about August 14, 1933, from the State of Massachusetts into the State of Rhode Island, of a quantity of hydrogen peroxide which was misbranded.

The citrated effervescing solution of magnesia was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation in that it contained magnesium compounds equivalent to less than 1.5 grams of magnesium oxide per 100 cubic centimeters, namely, magnesium compounds equivalent to 1.1 grams of magnesium oxide per 100 cubic centimeters; 10 cubic centimeters of the article required less than 9.5 cubic centimeters of half-normal sodium hydroxide for a neutralization of the free citric acid, namely, not more than 1.02 cubic centimeters of half-normal sodium hydroxide for a neutralization of the free citric acid; the ash from 10 cubic centimeters of the solution required less than 28 cubic centimeters of half-normal sulphuric acid for a neutralization, namely, 8.77 cubic centimeters of half-normal sulphuric acid for neutralization of the ash; and it contained 0.88 gram of magnesium sulphate per 100 cubic centimeters, whereas the pharmacopoeia provides that solution of magnesium citrate shall contain in each 100 cubic centimeters magnesium citrate corresponding to not less than 1.5 grams of magnesium oxide; that 10 cubic centimeters shall require not less than 9.5 cubic centimeters of half-normal sodium hydroxide to neutralize the free citric acid; that the ash from 10 cubic centimeters shall require not less than 28 cubic centimeters of half-normal sulphuric acid for a neutralization; and that magnesium sulphate shall not be an ingredient of citrated solution of magnesia;

and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding was alleged in that the statement "Citrated Effervescing Solution of Magnesia", not corrected by the inconspicuous statement "Not U. S. P.", borne on the label, was false and misleading, since the article was not citrated effervescing solution of magnesia. Misbranding was alleged for the further reason that the article was prepared in imitation of another article, and was offered for sale and sold under the name of another article, namely, "Citrated Effervescing Solution of Magnesia." Misbranding was alleged for the further reason that the article was sold by a name recognized in the United States Pharmacopoeia, and its label failed to bear a plain and conspicuous statement that it differed from the standard laid down in the pharmacopoeia.

Misbranding of the hydrogen peroxide was alleged for the reason that certain statements regarding its therapeutic and curative effects, borne on the bottle labels, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for catarrh and hay fever; effective to assist in the prevention of contagion from diphtheria, scarlet fever, and many other germ diseases; effective to counteract the poison from mosquito bites, blackfly bites, bee stings, poison-oak or poison-ivy, and effective as a treatment for boils and abscesses.

On April 15, 1935, the defendant entered a plea of nolo contendere, and the court imposed a fine of $5.

W. R. Gregg, *Acting Secretary of Agriculture.*

24641. Misbranding of ichthyol ointment and mentholated ointment. U. S. v. William D. Koster. Plea of guilty. Fine, $50 on each count. Payment suspended on all counts but first. (F. & D. no. 32920. Sample nos. 51559–A, 51560–A.)

This case was based on interstate shipments of ointments which were labeled to convey the impression that they were preparations recognized in the United States Pharmacopoeia or the National Formulary, whereas they are not described in either authority. The labeling of both products also bore unwarranted curative and therapeutic claims.

On May 28, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William D. Koster, New York, N. Y., alleging shipment by said defendant under the name of the Petroline Laboratories, on or about November 21, 1933, from the State of New York into the State of Pennsylvania of quantities of ichthyol ointment and mentholated ointment which were misbranded in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Petroline Laboratories, New York, N. Y."

Analyses showed that the ichthyol ointment contained sulphonated bitumen with a petrolatum base, and that the mentholated ointment consisted of amber petrolatum and menthol.

The articles were alleged to be misbranded in that the statement, "We guarantee each ointment to be strictly U. S. P. or N. F. and will assume responsibility on this item", borne on the carton label, was false and misleading, since the said statement represented that the articles were recognized in the United States Pharmacopoeia or the National Formulary; whereas they were not recognized in either authority. Misbranding was alleged for the further reason that certain statements, designs, and devices regarding the curative and therapeutic effects of the articles, appearing on the tube labels and cartons, falsely and fraudulently represented that the ichthyol ointment was effective as a remedy for eczema, acne, itch, boils, carbuncles, and kindred skin infections; and that the mentholated ointment was very effective for nerves.

On July 12, 1935, the defendant entered a plea of guilty and the court imposed a sentence of $50 fine on each of the four counts of the information. Payment of fines on all counts but the first was suspended.

W. R. Gregg, *Acting Secretary of Agriculture.*

24642. Misbranding of White's Herb Tonic. U. S. v. John W. White (Dr. J. W. White). Plea of guilty. Fine, $50. (F. & D. no. 33760. Sample no. 61685–A.)

This case involved a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling.

On December 19, 1934, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against John W. White, trading as Dr. J. W. White, proprietor of White's Herb Manufacturing & Remedy Co., Bessemer, Ala., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about January 8, 1934, from the State of Alabama, into the State of Pennsylvania of a quantity of White's Herb Tonic which was misbranded.

Analysis showed that the article consisted essentially of extracts of plant drugs, alcohol (less than 1 percent), and water.

The article was alleged to be misbranded in that certain statements regarding its therapeutic and curative effects, borne on the bottle and package labels, falsely and fraudulently represented that it was effective as a system builder, and as a remedy for syphilis, blood poison, rheumatism, kidney and liver troubles, pellagra, indigestion, female troubles, pains in the back, hip joints, knees, gallstone, influenza and appendicitis; effective to take away that tired feeling, give a good appetite, and put flesh on the bones; and effective to cure scrofula. Misbranding was alleged for the further reason that the statement "We, the undersigned, do hereby guarantee that the articles of Food and Drugs listed herein or specifying the same are not adulterated or misbranded within the meaning of the Federal Food and Drugs Act, June 30, 1906, as amended. Dr. J. W. White, Proprietor of White Herb Mfg. & Remedy Co.", borne on the package label, was false and misleading since the article was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, as amended.

On March 12, 1935, the defendant entered a plea of guilty and the court imposed a fine of $50.

W. R. Gregg, *Acting Secretary of Agriculture.*

24643. Adulteration and misbranding of Anti-Caps. U. S. v. Arthur Petrie (Anti-Caps Co.). Plea of guilty. Fine, $15. (F. & D. no. 33786. Sample no. 42836–A.)

This case involved a drug preparation the labeling of which contained unwarranted curative, therapeutic, and antiseptic claims.

On October 20, 1934, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Arthur Petrie, trading as the Anti-Caps Co., Oklahoma City, Okla., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about December 9, 1932, from the State of Oklahoma into the State of Kansas of a quantity of Anti-Caps which were adulterated and misbranded.

Analysis showed that the article consisted of a base of petrolatum and wax containing small proportions of menthol and methyl salicylate. Bacteriological examination showed that it was not antiseptic under any conditions.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be antiseptic when used as directed, whereas it was not antiseptic when used as directed.

Misbranding was alleged for the reason that the statements, "Antiseptic", "antiseptic oil", "Antiseptic Capsules", and "antiseptic ointment", contained in a circular shipped with the article, were false and misleading, since the article was not antiseptic, it was not an antisepic oil, not an antiseptic capsule, and was not an antiseptic ointment. Misbranding was alleged for the further reason that certain statements regarding the therapeutic and curative effects of the article, appearing on the package label and in a circular shipped with the article, falsely and fraudulently represented that it was effective as a valuable health insurance; effective as a preventive of infectious bodily excretions, vaginal ulcers, and cancers, and effective as a valuable health preserver.

On May 3, 1935, the defendant entered a plea of guilty and the court imposed a fine of $15.

W. R. Gregg, *Acting Secretary of Agriculture.*

24644. Misbranding of Phospho. U. S. v. Mobile Drug Co. Plea of nolo contendere. Judgment of guilty. Fine, $22.50. (F. & D. no. 33828. Sample no. 61235–A.)

This case was based on an interstate shipment of a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On December 17, 1934, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mobile Drug Co., a corporation trading at Mobile, Ala., alleging shipment by said company in violation of the Food

and Drugs Act as amended, on or about August 11, 1933, from the State of Alabama into the State of Tennessee, of a quantity of Phospho which was misbranded.

Analysis showed that the article consisted essentially of sodium phosphate, phosphoric acid, and water.

The article was alleged to be misbranded in that certain statements regarding its curative and therapeutic effects, borne on the bottle and carton labels, falsely and fraudulently represented that it was effective as a relief from indigestion, torpid liver, distress after eating, all stomach and bowel troubles, every kind of trouble of the stomach, bowels, liver, kidneys; effective as a relief from dyspepsia, biliousness, and sick headache; effective to eliminate uric acid from the system, and effective as a remedy for rheumatism.

On June 3, 1935, a plea of nolo contendere having been entered on behalf of the defendant company, a judgment of guilty was entered and a fine of $22.50 was imposed, together with $5 clerk's costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

24645. Misbranding of White Cross Quinine and Iron Tonic. U. S. v. John H. Cash (American Drug Co.). Plea of nolo contendere. Judgment of guilty. Fine, $30.50. (F. & D. no. 33829. Sample no. 39263-A.)

This case was based on a shipment of a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On December 17, 1934, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John H. Cash, trading as the American Drug Co., Mobile, Ala., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about November 11, 1933, from the State of Alabama into the State of Florida, of a quantity of White Cross Quinine and Iron Tonic which was misbranded.

Analysis showed that the article consisted of an aqueous solution containing in each 100 milliliters quinine sulphate, (2 grams), magnesium sulphate (Epsom salt, 48 grams), and an iron compound.

The article was alleged to be misbranded in that certain statements regarding its therapeutic and curative effects, appearing on a circular wrapper shipped with the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for chills and fever, dengue fever, and influenza; and effective as an excellent general system tonic.

On June 7, 1935, the defendant entered a plea of nolo contendere, was adjudged guilty and was fined $30.50.

W. R. Gregg, *Acting Secretary of Agriculture.*

24646. Adulteration and misbranding of pituitary extract and sodium cacodylate. U. S. v. William A. Fitch, Inc. Plea of guilty. Fine, $200. (F. & D. nos. 30332, 33843. Sample nos. 20710-A, 52053-A.)

This case was based on an interstate shipment of pituitary extract which had a potency below that prescribed by the United States Pharmacopoeia, and of sodium cacodylate ampoules that contained a smaller amount of sodium cacodylate than declared on the label.

On May 7, 1935, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court an information against William A. Fitch, Inc., New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, from the State of New York into the State of New Jersey, on or about July 2, 1932, of a quantity of pituitary extract, and on or about October 31, 1933, of a quantity of sodium cacodylate which products were adulterated and misbranded. The articles were labeled in part: "Pituitary Extract Fitch Double Strength"; "Solution Sodium Cacodylate Fitch 1 Gm. (15½ grs.)."

The pituitary extract was alleged to be adulterated in that it was sold under a name recognized in the United States Phamacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, in that its potency was below the standard prescribed in that authority, and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration of the pituitary extract was alleged for the further reason that its strength or purity fell below the professed standard and quality under which it was sold, since it was represented to be pituitary extract of double strength, whereas it was not.

Adulteration of the sodium cacodylate was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold in that each 2 cubic centimeters of the article was represented to contain 1 gram (15½ grains) of sodium cacodylate; whereas each 2 cubic centimeters of the article contained less than so represented, namely, not more than 0.822 gram (12.68 grains) of sodium cacodylate.

Misbranding of the pituitary extract was alleged for the reason that the statement, "Pituitary Extract * * * Double Strength", borne on the label, was false and misleading, since the article was not pituitary extract of double strength. Misbranding of the sodium cacodylate was alleged for the reason that the statement "2 cc * * * Sodium Cacodylate * * * 1 Gm. (15½ grs.)", borne on the label, was false and misleading, since 2 cubic centimeters of the article did not contain 1 gram of sodium cacodylate, but did contain a less amount.

On May 20, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $200.

W. R. Gregg, *Acting Secretary of Agriculture.*

24647. Misbranding of Pheno-Isolin and Menno. U. S. v. Scientific Manufacturing Co., Inc., and Howard J. Force. Pleas of nolo contendere. Fine, $30. (F. & D. no. 33850. Sample nos. 43036–A, 43993–A.)

This case was based on shipments of drug preparations which were misbranded because of unwarranted curative and therapeutic claims in the labeling. The labeling of the Pheno-Isolin was further objectionable since the circular showed the results of germicidal tests under conditions of prolonged exposure, while the bottle label conveyed the misleading impression that it would produce the same result under conditions of practical use.

On December 18, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Scientific Manufacturing Co., Inc., and Howard J. Force, Scranton, Pa., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about March 23, 1933, from the State of Pennsylvania into the State of New York, of a quantity of Menno; and on or about August 23, 1933, from the State of Pennsylvania into the State of New Jersey of a quantity of Pheno-Isolin which were misbranded.

Analysis of the Pheno-Isolin showed that it consisted of a brown oily liquid containing chiefly volatile oils dissolved in fixed oil, the fixed oil apparently consisting of a fish oil with rosin and/or rosin oil, and the volatile oils apparently consisting of turpentine, camphor, menthol, and a small amount of thymol. Bacteriological examination showed that it was not a germicide when used as directed. Analysis of the Menno showed that it consisted of a dark brown liquid with a light brown sediment. The liquid contained chiefly water, glycerol, sodium bicarbonate, and alcohol. The sediment apparently was chiefly magnesium carbonate and plant material. An amodin-bearing drug and a small amount of ipecac alkaloids were present.

The articles were alleged to be misbranded in that certain statements, designs, and devices appearing in the respective labelings, falsely and fraudulently represented that the Pheno-Isolin was effective to prevent and destroy infection, effective as a local antitoxin; effective as a relief from pain and as a preventive of pain, swelling, and fever when caused by infection; effective as a preventive of tetanus; effective as a treatment, remedy, and cure for sore mouth, sore gums, sore throat, coughs, bronchial cases, boils, carbuncles, ulcers, old ulcers, bed sores, pyorrhea, mouth ulcers, ulcerated cancer, skin affections, neuritis, and ear infections; effective to protect wounds and ulcers from infection; and that the Menno was effective as a treatment, remedy, and cure for indigestion, gas condition, or ptomaine poisoning. Misbranding of the Pheno-Isolin was alleged for the further reason that the following statements contained in a circular shipped with the article, and the statement "Germicide * * * Use Full Strength", borne on the bottle label, were false and misleading in that they represented that the article was a germicide when used as directed; whereas it was not a germicide when used as directed: "Germicidal Test Method—F. D. A. Wet Filter Paper, U. S. Dept. of Agriculture Circular 198. December, 1931. Organism—Staph. aureus. F. D. A. Culture No 209. Age of culture—24 hours at 37 degrees C. Medium—Standard broth. Peptone—Armours Special. Organic matter—None. Temperature of medication—37 degrees C. Sterile 0.5 cm. squares of Whatman's No. 2 Filter Paper were

impregnated with Staph. aureus having the standard resistance to phenol at 37 degrees C. The wet impregnated papers were then immersed in the sample under test and a paper square removed at stated intervals and retransferred to 10 cc. of sterile broth, washed by agitation and use of a sterile needle, and transferred to a second 10 cc. of sterile broth. Both sets of tubes were then incubated at 37 degrees C. for 48 hours with the following results:

	Hours of Exposure								
Sample	1	2	3	4	5	6	7	8	9
Pheno-Isolin Undiluted	+	+	+	+	+	+	+	+	−

	Minutes of Exposure		
	5	10	15
Phenol 1:80	+	−	−
1:90	+	+	+

"Comments: These results show that Pheno-Isolin had germicidal action in a nine hour period of exposure under the conditions of the test. * * * In the germicidal test, the Pheno-Isolin is slowly absorbed by the bacteria, as the Phenol-Isolin is very slowly soluble in aqueous solutions, which, of course, are different from the albuminous serum in the wound or toxin compounds."

On March 11, 1935, the defendants entered pleas of nolo contendere and the court imposed a fine of $30.

W. R. Gregg, *Acting Secretary of Agriculture.*

24648. Adulteration and misbranding of cinchophen tablets and elixir terpin hydrate and codeine. U. S. v. Fraser Tablet Co., Inc. Plea of guilty. Fine, $400. (F. & D. no. 33858. Sample nos. 66133–A, 69709–A.)

This case was based on interstate shipments of cinchophen tablets which contained less cinchophen than declared, and elixir terpin hydrate and codeine which differed from the standard established by the National Formulary.

On May 13, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fraser Tablet Co., Inc., New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about December 15, 1933, from the State of New York into the State of New Jersey of a quantity of cinchophen tablets which were adulterated and misbranded. The information further charged that the defendant company had sold on February 26, 1934, a quantity of elixir terpin hydrate and codeine under a guaranty that the article was not adulterated or misbranded within the meaning of the Federal Food and Drugs Act, that on March 10, 1934, a quantity of the product in the identical condition as when so sold had been shipped by the purchaser in interstate commerce from the State of New York into the State of Connecticut, and that it was adulterated and misbranded in violation of the Food and Drugs Act. The articles were labeled, respectively: "Fraser's Tablets Cinchophen * * * 5 Grains Fraser Tablet Co., Inc. Brooklyn, N. Y."; "Elixir Terpin Hydrate and Codeine N. F. * * * Each Fluidrachm Represents * * * Codeine Alkaloid 1–9 Grain * * * Fraser Tablet Co., Inc. Pharmaceutical Laboratories Brooklyn, N. Y."

The cinchophen tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that each of the said tablets was represented to contain 5 grains of cinchophen; whereas each of said tablets contained less than so represented, namely, not more than 4.4 grains of cinchophen. The elixir terpin hydrate and codeine was alleged to be adulterated in that it was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in that authority, since it contained codeine sulphate and no codeine alkaloid, whereas the National Formulary provides that elixir terpin hydrate and codeine shall contain codeine alkaloid, and does not mention codeine sulphate as a normal constituent of elixir terpin hydrate and codeine; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration of the elixir terpin hydrate and codeine was alleged for the further reason that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to conform to the standard laid down in the National Formulary, and to contain in each fluid dram 1/9 grain of codeine alkaloid; whereas it did not conform to the standard laid down in the National Formulary and contained no codeine alkaloid.

Misbranding was alleged for the reason that the statements "Tablets * * * Cinchophen * * * 5 Grains" and "Elixir Terpin Hydrate and Codeine

N. F. * * * Each Fluidrachm Represents . * * * Codeine Alkaloid 1/9 Grain", borne on the labels, were false and misleading.

On June 17, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $400.

W. R. Gregg, *Acting Secretary of Agriculture.*

24649. Adulteration and misbranding of mineral oil. U. S. v. Irving Sperling. Plea of guilty. Fine, $50. (F. & D. no. 33859. Sample no. 58019–A.)

The product in this case was represented to be heavy mineral oil of exceptionally high viscosity. Examination showed that it did not conform to the requirements of the United States Pharmacopoeia for heavy mineral oil, since its kinematic viscosity was below the minimum tolerance of that authority.

On May 24, 1935, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Irving Sperling, a member of a partnership trading as the American Drug Laboratories, Brooklyn, N. Y., alleging that on or about August 18, 1933, the defendant had sold to a purchaser at New York a quantity of mineral oil under a guaranty that it was not adulterated or misbranded within the meaning of the Federal Food and Drugs Act; that on October 19, 1934, the purchaser shipped a portion of the product in interstate commerce from the State of New York into the State of Massachusetts; and that the said mineral oil was in fact adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold as heavy mineral oil, namely, heavy liquid petrolatum, a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, since it was represented to be heavy mineral oil, namely, heavy liquid petrolatum of pharmacopoeial standard, and to have an exceptionally high viscosity; whereas it was not heavy liquid petrolatum of pharmacopoeial standard, it was not heavy mineral oil, and did not have exceptionally high viscosity.

Misbranding was alleged for the reason that the statements, "Mineral Oil U. S. P. * * * A Heavy Mineral Oil Having * * * exceptionally high viscosity", borne on the bottle label, were false and misleading, since the article did not conform to the standard laid down in the United States Pharmacopoeia, it was not heavy mineral oil, and did not have exceptionally high viscosity.

On June 18, 1935, the defendant entered a plea of guilty and the court imposed a fine of $50.

W. R. Gregg, *Acting Secretary of Agriculture.*

24650. Adulteration and misbranding of camphorated oil. U. S. v. Safe Owl Products, Inc. Plea of guilty. Fine, $75. (F. & D. no. 33879. Sample nos. 51663–A, 66318–A.)

This case was based on interstate shipments of camphorated oil the labeling of which bore unwarranted curative and therapeutic claims. The product in one shipment contained less camphor than the minimum required by the United States Pharmacopoeia, and was not labeled to indicate its own standard of strength, quality, and purity.

On February 27, 1935, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Safe Owl Products, Inc., Brooklyn, N. Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about January 12, 1933, from the State of New York into the State of Pennsylvania, and on or about November 23, 1933, from the State of New York into the State of New Jersey, of quantities of camphorated oil that was misbranded, and a portion of which was also adulterated. One lot of the article was labeled in part: "Owl Brand * * * Camphorated Oil U. S. P." The remaining lot was labeled in part: "Owl Brand * * * Camphorated Oil Not U. S. P."

Analysis showed that the lot labeled "U. S. P." contained 19.2 percent of camphor, and that the lot labeled "Not U. S. P." contained 15.8 percent of

camphor, which was below the minimum tolerance of not less than 19 percent of camphor provided by the United States Pharmacopoeia for camphorated oil.

The lot labeled, "Camphorated Oil Not U. S. P.", was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia, since it yielded less than 19 percent, namely, not more than 15.8 percent of camphor; whereas the United States Pharmacopoeia provides that the product should yield not less than 19 percent of camphor, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding was alleged with respect to both lots for the reason that certain statements regarding the therapeutic and curative effects of the article, appearing on the bottle label, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for rheumatism and swelling of breast and joints.

On April 3, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $75.

W. R. Gregg, *Acting Secretary of Agriculture.*

24651. Adulteration and misbranding of chloroform liniment, soap liniment, Stoke's Expectorant, sweet spirit of niter, and milk of magnesia. U. S. v. Standard Drug Co., Inc. Plea of guilty. Fine, $60. (F. & D. no. 33902. Sample nos. 6442–B, 6443–B, 51832–A, 52060–A, 52062–A, 52064–A.)

This case was based on interstate shipments of drug preparations sold under names recognized in the United States Pharmacopoeia or the National Formulary, which failed to conform to the standard established by those authorities. One of the products, sweet spirit of niter, contained ethyl nitrite materially in excess of the amount declared on the label.

On May 15, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Standard Drug Co., Inc., Newark, N. J., alleging shipment by said company in violation of the Food and Drugs Act on or about November 13, 1933, from the State of New Jersey into the State of New York of quantities of soap liniment, Stoke's Expectorant, and sweet spirit of niter; on or about November 16, 1933, from the State of New Jersey into the State of New York of a quantity of chloroform liniment; and on or about July 16 and July 26, 1934, from the State of New Jersey into the State of Pennsylvania of quantities of milk of magnesia, which products were adulterated and misbranded. The articles were labeled, variously: "Chloroform Liniment, USP [or "Soap Liniment", "Stoke's Expectorant", "Sweet Spirit of Nitre", or "Milk of Magnesia"] * * * Standard Drug Company Pharmaceutical Chemists Newark, New Jersey."

The articles were alleged to be adulterated in that they were sold under names recognized in the United States Pharmacopoeia or the National Formulary, and differed from the standard of strength, quality, and purity as determined by the test laid down in said authorities in the following respects: The chloroform liniment contained less than 31.5 grams of camphor, namely, not more than 24.0 grams of camphor per 1,000 cubic centimeters, whereas the pharmacopoeia provides that camphor liniment shall contain not less than 31.5 grams of camphor per 1,000 cubic centimeters. The soap liniment contained less than 45 grams, namely, not more than 33.3 grams of camphor per 1,000 cubic centimeters; whereas the pharmacopoeia provides that soap liniment shall contain not less than 45 grams of camphor per 1,000 cubic centimeters. Stoke's Expectorant contained less than 17.5 grams, namely, not more than 12.66 grams of ammonium carbonate per 1,000 cubic centimeters; whereas the National Formulary provides that Stoke's Expectorant shall contain not less than 17.5 grams of ammonium carbonate per 1,000 cubic centimeters. The sweet spirit of niter contained more than 4.5 percent, namely, not less than 5.53 percent of ethyl nitrite; whereas the pharmacopoeia provides that sweet spirit of niter shall contain not more than 4.5 percent of ethyl nitrite. The milk of magnesia contained less than 7 percent of magnesium hydroxide, samples taken from the two shipments containing not more than 6.41 percent and 6.38 percent of magnesium hydroxide, respectively; whereas the pharmacopoeia provides that milk of magnesia shall contain not less than 7 percent of magnesium hydroxide; and the standard of strength, quality, and purity of the articles was not declared on the containers. Adulteration was alleged for the further reason that the strength and purity of the articles fell below the professed standard and quality under which they were sold in that they were

represented to be products which conformed to the standard laid down in the United States Pharmacopoeia or the National Formulary, and the sweet spirit of niter was labeled as containing 17.5 grams of ethyl nitrite per fluid ounce; whereas the articles did not conform to the standard laid down in the said authorities and the sweet spirit of niter contained ethyl nitrite in excess of the amount declared.

Misbranding was alleged for the reason that the statements, "Chloroform Liniment USP", "Soap Liniment (Linimentum Saponis U. S. P.)", "Stoke's Expectorant (Mistura Pectorallis Stoke's N. F.)", 'Sweet Spirit of Nitre (Spirit of Nitrous Ether U. S. P.) * * * Ethyl Nitrite 17.5 grs. to oz.)", and "Milk of Magnesia, U. S. P.", borne on the labels, were false and misleading.

On May 24, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $60.

W. R. GREGG, *Acting Secretary of Agriculture.*

24652. Adulteration and misbranding of solution citrate magnesia. U. S. v. Roma Extract Co. and Joseph Graceffa. Pleas of nolo contendere. Fines, $10. (F. & D. no. 33924. Sample no. 58074–A.)

This case was based on an interstate shipment of solution citrate of magnesia which did not conform to the requirements of the United States Pharmacopoeia, and which was not labeled to indicate its own standard of strength, quality, and purity.

On March 29, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Roma Extract Co., a corporation, and Joseph Graceffa, Boston, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act on or about March 21, 1934, from the State of Massachusetts into the State of Rhode Island, of a quantity of solution citrate of magnesia which was adulterated and misbranded. The article was labeled in part: (Bottle) "Solution Citrate Magnesia"; (wrapper) "Effervescing Solution Citrate of Magnesia * * * (Not U. S. P. * * * Roma Extract Company Boston Mass."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in that authority, since it contained less than 1.5 grams, namely, not more than 0.93 gram of magnesium oxide per 100 cubic centimeters; less than 9.5 cubic centimeters, namely, not more than 1.3 cubic centimeters of half-normal sodium hydroxide was required to neutralize the acid in 10 cubic centimeters of the article; less than 28 cubic centimeters, namely, not more than 3.55 cubic centimeters of half-normal sulphuric acid was required to neutralize the ash obtained from 10 cubic centimeters of the article, and it contained magnesium sulphate, whereas the pharmacopoeia provides that solution of magnesium citrate shall contain in each 100 cubic centimeters magnesium citrate corresponding to not less than 1.5 gram of magnesium oxide; that 10 cubic centimeters of the solution shall require not less than 9.5 cubic centimeters of half-normal sodium hydroxide for neutralization of the free acid; that not less than 28 cubic centimeters of half-normal sulphuric acid shall be required to neutralize the ash obtained from 10 cubic centimeters of the solution, and precludes magnesium sulphate as a normal constituent of solution citrate of magnesia, and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, since it was represented to be solution citrate of magnesia; whereas it contained magnesium sulphate which is not found in solution citrate of magnesia.

Misbranding was alleged for the reason that the statements, (label) "Solution Citrate of Magnesia" and (bottle) "Solution Citrate Magnesia", were false and misleading, since the said statements represented that the article was solution citrate of magnesia; whereas it was not, but was a mixture composed in part of magnesium sulphate. Misbranding was alleged for the further reason that the article was a mixture composed in part of magnesium sulphate prepared in imitation of solution citrate of magnesia, and was offered for sale and sold under the name of another article, namely, solution citrate of magnesia.

On April 15, 1935, pleas of nolo contendere were entered on behalf of the defendants and the court imposed fines in the total amount of $10.

W. R. GREGG, *Acting Secretary of Agriculture.*

24653. Adulteration and misbranding of solution citrate of magnesia. U. S. v. Smith-Faus Drug Co. Plea of guilty. Fine, $26. (F. & D. no. 33946. Sample no. 48001–A.)

This case was based on a shipment of solution citrate of magnesia which fell below the standard laid down in the United States Pharmacopoeia, and which was not labeled to indicate its own standard of strength, quality, and purity. The product was also short volume.

On March 30, 1935, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Smith-Faus Drug Co., a corporation, Salt Lake City, Utah, alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about April 17, 1934, from the State of Utah into the State of Nevada of a quantity of solution citrate of magnesia which was adulterated and misbranded. The article was labeled in part: "Apex 12 Fl. Oz. * * * Citrate of Magnesia U. S. P. * * * Smith-Faus Drug Co. Salt Lake City, Utah."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in that authority, in that it contained less than 1.5 grams, namely, not more than 1.24 grams of magnesium oxide per 100 cubic centimeters; less than 9.5 cubic centimeters, namely, not more than 9.2 cubic centimeters of half-normal sodium hydroxide was required to neutralize the excess acid in 10 cubic centimeters of the article, and less than 28 cubic centimeters, namely, not more than 22.9 cubic centimeters of half-normal sulphuric acid was required to neutralize the ash obtained from 10 cubic centimeters of the article; whereas the pharmacopoeia provides that solution of magnesium citrate shall contain in each 100 cubic centimeters, magnesium citrate corresponding to not less than 1.5 grams of magnesium oxide; that 10 cubic centimeters of the solution shall require not less than 9.5 cubic centimeters of half-normal sodium hydroxide for neutralization of the excess acid, and that not less than 28 cubic centimeters of half-normal sulphuric acid shall be required to neutralize the ash obtained from 10 cubic centimeters of the solution, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, since it was represented to be solution citrate of magnesia which conformed to the test laid down in the United States Pharmacopoeia, whereas it did not conform to the test laid down in that authority. Misbranding was alleged for the reason that the statements, "Solution Citrate of Magnesia U. S. P." and "12 Fl. Oz.", borne on the bottle label, were false and misleading, since the article was not solution citrate of magnesia which conformed to the standard laid down in the United States Pharmacopoeia; and each of the said bottles did not contain 12 ounces of the article, but did contain a less amount.

On April 13, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $26.

W. R. Gregg, *Acting Secretary of Agriculture.*

24654. Misbranding of McClellan's Orthosol and McClellan's Sheep Dip. U. S. v. McClellan Products, Ltd. Plea of nolo contendere. Defendant placed on probation for two years. (F. & D. no. 33954. Sample nos. 60380–A, 60381–A.)

This case was based on interstate shipments of Orthosol and Sheep Dip which were misbranded, the labeling of the former containing false and misleading antiseptic claims, and that of the latter containing false and fraudulent curative and therapeutic claims.

On May 15, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against McClellan Products, Ltd., a corporation, Los Angeles, Calif., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about February 16 and March 3, 1934, from the State of California into the State of Oregon of quantities of McClellan's Orthosol and McClellan's Sheep Dip which were misbranded.

Analysis of the Orthosol showed that it consisted of soap, water, tar acids, and glycerin. Bacteriological examination showed that it would not be antiseptic for insect bites and stings, and that it would not be an antiseptic when used as a douche or injection at the dilutions recommended. Analysis of the Sheep Dip showed that it consisted of soap, water, coal-tar neutral oils, and phenols.

The Orthosol was alleged to be misbranded in that the statements, "Antiseptic * * * For household uses such as insect bites, stings, use 1 teaspoonful Orthosol to 2 quarts of water. * * * Douches or Injections—Use 1 teaspoonful of McClellan's Orthosol Disinfectant to 2 quarts of warm water", borne on the label, were false and misleading, since they represented that the article was antiseptic when used as directed; whereas it was not antiseptic when used as directed. Misbranding of the Sheep Dip was alleged for the reason that certain statements regarding its therapeutic and curative effects, borne on the label, falsely and fraudulently represented that it was effective as a treatment for ailments of poultry.

The information also charged a violation of the Insecticide Act of 1910, reported in notice of judgment no. 1406, published under that act.

On September 18, 1935, the defendant entered a plea of nolo contendere and was placed on probation for 2 years with the usual conditions.

W. R. Gregg, *Acting Secretary of Agriculture.*

24655. Misbranding of Cheney's Compound Herbs. U. S. v. G. S. Cheney Co., Inc. Plea of nolo contendere. Fine, $50. (F. & D. no. 33958. Sample no. 71820–A.)

This case was based on an interstate shipment of a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On April 9, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the G. S. Cheney Co., Inc., Boston, Mass., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about February 28, 1934, from the State of Massachusetts into the State of Maine of a quantity of Cheney's Compound Herbs which were misbranded.

Analysis showed that the article consisted of coarsely ground drugs, including pipsissewa, cascara, yellow dock, dandelion, prickly-ash, sassafras, sarsaparilla, red clover, and gentian.

The article was alleged to be misbranded in that certain statements borne on the packages, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that it was effective as a blood purifier, effective to keep the blood pure, effective to promote good health; and effective as a thorough systematic cleanser.

On April 29, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of $50.

W. R. Gregg, *Acting Secretary of Agriculture.*

24656. Misbranding of Reade's Antiseptic Animal Soap. U. S. v. Reade Manufacturing Co., Inc. Plea of guilty. Fine, $50. (F. & D. no. 34002. Sample no. 16780–B.)

This case involved a product the labeling of which contained unwarranted curative and therapeutic claims.

On June 17, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Reade Manufacturing Co., Inc., Jersey City, N. J., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about October 16, 1934, from the State of New Jersey into the State of New York of a quantity of Reade's Antiseptic Animal Soap which was misbranded.

Analysis showed that the article consisted of water, soap, phenolic bodies, essential oils, and paradichlorobenzene.

The article was alleged to be misbranded in that certain statements in the labeling falsely and fraudulently represented that it was effective to keep the skin and coat in a healthy condition, as helpful in preventing skin troubles, and as helpful in preventing eczema.

The information also charged a violation of the Insecticide Act of 1910, reported in notice of judgment no. 1313, published under that act.

On September 17, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed fines on both charges, the fine on the count charging violation of the Food and Drugs Act being $50.

W. R. Gregg, *Acting Secretary of Agriculture.*

24657. Misbranding of Dr. Fellows' Headache Powders. U. S. v. Albert H. Clark (Clark Medicine Co.). Plea of nolo contendere. Fine, $10. (F. & D. no. 33986. Sample no. 68364–A.)

This case was based on an interstate shipment of a drug preparation which was misbranded because of false and fraudulent curative claims appearing in

the labeling. The product was further misbranded since it contained less caffeine than declared; it contained acetanilid in excess of the amount declared, and it was not a safe remedy as claimed, since it contained excessive acetanilid which might be harmful.

On May 13, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Albert H. Clark, trading as the Clark Medicine Co., Newburyport, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 15, 1934, from the State of Massachusetts into the State of New Hampshire, of a quantity of Dr. Fellows' Headache Powders which were misbranded. The article was labeled in part: "Each Powder contains two grains Acetanilide."

Analysis showed that the article consisted essentially of acetanilid (not less than 40.3 percent or 2.8 grains per powder of average weight), caffeine (not over 8.86 percent or 0.62 grain per powder of average weight) sodium bicarbonate, and ground plant material including ginger.

The article was alleged to be misbranded in that certain statements regarding its therapeutic and curative effects, appearing on the labels and in a circular shipped with the article, falsely and fraudulently represented that it was effective as a remedy for sick or nervous headache, and cough; effective as a treatment, remedy, and cure for rheumatism and la grippe; and effective to act freely on the kidneys and as a powerful heart tonic and stimulant; effective to strengthen and sustain the heart; effective to give immediate relief in sick or nervous headache, monthly pains, rheumatism and la grippe; and effective as a relief of pain. Misbranding was alleged for the further reason that the statements, (circular) "Each powder contains ¾ grain * * * caffeine" and "We guarantee them to be absolutely safe for any one to take under any circumstances" (envelop) "A * * * Safe Remedy * * * These powders * * * are warranted safe for any one to take as directed * * * Each powder contains two grains Acetanilide, U. S. P., which combined with other ingredients makes it a safe * * * remedy", were false and misleading in that the said statements represented that the powders each contained ¾ grain of caffeine and 2 grains of acetanilid; that it was a safe remedy and was absolutely safe for anyone to take under any circumstances; whereas each powder contained less than ¾ grain of caffeine and contained more than 2 grains of acetanilid, the article was not a safe remedy, was not safe to be used as directed, and was not absolutely safe for anyone to take under any circumstances, since it contained an excessive amount of acetanilid which rendered it unsafe as a remedy, unsafe to be used as directed, and not safe for any one to take under any circumstances.

On June 10, 1935, the defendant entered a plea of nolo contendere and the court imposed a fine of $10.

W. R. Gregg, *Acting Secretary of Agriculture.*

24658. Misbranding of Holbrook's India Koff Kure, and adulteration and misbranding of Holbrook's Concentrated Extract Vanilla Flavor. U. S. v. Folsom Extract Co., Inc. Plea of nolo contendere. Fine, $10. (F. & D. no. 33981. Sample nos. 68319–A, 68324–A.)

This information covered a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling, and because of failure to declare the alcohol and chloroform content; also a lot of vanilla flavor which was adulterated and misbranded, since it consisted of a hydroalcoholic solution of vanillin, artificially colored, containing little, if any, vanilla, and was labeled to indicate that it was high-grade vanilla extract flavor.

On June 18, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Folsom Extract Co., Inc., Lynn, Mass., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about January 5, 1934, from the State of Massachusetts into the State of New Hampshire of a quantity of Holbrook's India Koff Kure which was misbranded, and alleging shipment on or about February 1, 1934, from the State of Massachusetts into the State of New Hampshire of a quantity of Holbrook's Concentrated Extract Vanilla Flavor which was adulterated and misbranded. The articles were labeled in part: "Prepared by Holbrook & Co. Manufacturing Chemists Lynn, Mass."

Analysis of the Koff Kure showed that it was a syrup containing plant extractives, alcohol (10.4 percent by volume), and chloroform (1.08 minims per fluid ounce).

The vanilla flavor was alleged to be adulterated in that an artificially colored imitation vanilla extract, largely composed of artificial vanillin solution, had been substituted for vanilla flavor which the article purported to be.

Misbranding of the vanilla flavor was alleged for the reason that the statements, (carton) "Vanilla Flavor * * * The Vanilla is an especially fine extract made from the vanilla bean. Guaranteed to give perfect satisfaction", and (bottle) "Vanilla Flavor * * * Perfect Purity, Great Strength, * * * A High-Grade Extract, One of Quality. Holbrook's Concentrated Vanilla Flavor is a Pure Fruit Vanillin Extract made stronger and improved by the addition of a high-grade Mexican Vanilla Bean, which makes it the strongest extract of any on the market that have the real and delicate flavor of the Vanilla Bean", were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that it was a high-grade extract of perfect purity, great strength, and concentrated vanilla flavor; whereas it was not as represented, but was an artificially colored imitation vanilla extract, largely composed of artificial vanillin solution. Misbranding of the vanilla flavor was alleged for the further reason that it was an artificially colored vanillin solution, prepared in imitation of vanilla extract and was offered for sale and sold under the distinctive name of another article, namely, vanilla flavor.

Misbranding of the Koff Kure was alleged for the reason that certain statements regarding its therapeutic and curative effects, appearing on the bottle labels and cartons, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for coughs, hoarseness, croup, consumption, whooping cough, sore throat, asthma, bronchitis, and all diseases of the throat and lungs; and effective to have a healing effect on the lungs. Misbranding of the Koff Kure was alleged for the further reason that the article contained chloroform and alcohol, and the package label failed to bear a statement of the quantity or proportion of the chloroform and alcohol contained therein.

On July 15, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of $10.

W. R. Gregg, *Acting Secretary of Agriculture.*

24659. Adulteration and misbranding of Femasept. U. S. v. 33 Packages of Femasept. Default decree of condemnation and destruction. (F. & D. no. 34439. Sample no. 6231–B.)

This case was based on an interstate shipment of a drug preparation which was adulterated and misbranded because it contained a smaller proportion of sodium dichlorylsulfamid benzoate than declared, and was further misbranded because of unwarranted claims of alleged curative, bactericidal, and germicidal properties appearing in the labeling.

On December 19, 1934, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 packages of Femasept at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about November 10, 1933, by the Chemical Laboratories, Inc., from Atlanta, Ga., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of starch and lactose with small amounts of Rochelle salt, talc, and sodium chloride, and that it contained not more than a trace of sodium dichlorylsulfamid benzoate. Bacteriological examination showed that it was devoid of antiseptic properties.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Contains 1% Sodiumdichlorylsulfamidbenzoate, * * * powerful effect upon bacteria * * * Powerful germ destroying agents."

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Label) "Each tablet contains 1% Sodiumdichlorylsulfamidbenzoate"; (small leaflet) "Liberating oxygen which instantly penetrates all the folds and crevices of the mucous membrane. * * * powerful effect upon bacteria. * * * Each tablet contains 1% Sodiumdichlorylsulfamidbenzoate"; (large leaflet) "Releasing an oxygen-gas, one of the most powerful germ destroying agents." Misbranding was alleged for the further reason that the following statements contained in the leaflets

and circular shipped with the article were false and fraudulent: (Small leaflet) "Insert a Femasept Tablet as far back as possible into the vagina, not less than 5 and not more than 60 minutes before exposure. The tablets quickly dissolve, liberating oxygen which instantly penetrates all the folds and crevices of the mucous membrane. The action provides protection, guarding against infectious germs often present in the vagina. In spite of their powerful effect upon bacteria, there is no fear of any damage or harm to the delicate tissues. They are non-irritating and non-staining. Their continued use is not injurious to the general health. * * * For treatment of Leuchorrhea, burning, scalding urine and vaginal discharges insert two tablets daily for six or more days or until relieved. In some cases the Femasept Tablet will cause a slight watery discharge for a few days which denotes the curative action of the chemical. In cases of menstrual disturbance, Femasept may cause menstruation to appear a few days in advance, or until the genital system is fully regulated. The continued daily use of Femasept is advised"; (large leaflet) "I am happy to introduce to you our contribution to the health and happiness of American Womanhood—Femasept Tablets. * * * It will bring to you that priceless peace of mind, a new security such as you have never known before. No longer need the active, intelligent woman of today trust one of the most vital, and until now, difficult problems of her married life to loathsome caustic solutions, clumsy, inconvenient appliances, messy jelly preparations—always uncertain, never sure. Pleasantly, delicately—Femasept Tablets are the perfect answer. * * * One Femasept Tablet inserted before exposure is all that is required. * * * It is instantly effective, reaching and penetrating into every fold and crevice, and for hours providing complete protection against unwanted germ life. * * * Femasept is one of the most dependable methods for correcting disturbing symptoms so common to women. Its use in cases of painful menstruation is advised. The daily use of one Femasept Tablet for five days prior to the regular menstruation period will bring relief and will in time restore the most aggravated case of painful menstruation to normal. * * * For Leucorrhea (Whites) the use of one Femasept Tablet each night for about ten days following menstruation will destroy the infection and restore the vagina to normal. And, my older friends, thanks to Femasept, the menapause (change of life), so dreaded by women because of the very serious and disturbing nervous condition which usually follows the cessation of menstruation, has been changed into a natural, normal function for thousands of women. If before the change of life there has been any vaginal disorder, it is more important that Femasept be used regularly each day so that the genital organs may readjust themselves quickly. And Dear Madam, if you too, have known those terrible periods of nerve strain and worry, Femasept Tablets will come as a real blessing. For only a woman can know the horror of uncertainty and the worry that destroys beauty and health."

On March 30, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24660. Misbranding of Dia-Bet. U. S. v. 48 Bottles and 148 Bottles of Dia-Bet. Default decrees of condemnation and destruction. (F. & D. no. 34409. Sample no. 19760–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On December 3, 1934, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 196 bottles of Dia-Bet at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about September 25, 1934, by the Dia-Bet Laboratories, from Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Dia-Bet Myrtol Preparation."

Analysis showed that the article consisted essentially of water with small amounts of sodium benzoate and extracts from plant materials, including myrtillin.

The article was alleged to be misbranded in that the following statements appearing in the labeling were statements regarding the curative and therapeutic effects of the article and were false and fraudulent: (Label) "Dia-Bet A Pleasant and Effective Treatment for Diabetes"; (circular) "Dia-Bet 'Dia-

Bet' is not an Insulin and will not burn up sugar, but will reduce by constant use of the treatment. If you are using Insulin and wish to discontinue it, you must do so gradually by single units after the third bottle to eliminate any possible shock to the nervous system."

On April 11, 1935, no claim having been entered for the property, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24661. Misbranding of Cozzins New Formula for Asthma. U. S. v. 22 Large Cans, et al., of Cozzins New Formula for Asthma. Default decree of condemnation and destruction. (F. & D. no. 34573. Sample nos. 14242–B, 14243–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On December 18, 1934, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 large cans and 9 small cans of Cozzins New Formula for Asthma at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about August 29 and May 10, 1934, by the Cozzins Chemical Co., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of potassium nitrate, plant material including stramonium leaves and mustard seed, flavored with anise.

The article was alleged to be misbranded in that certain statements appearing in the labeling falsely and fraudulently represented that it was effective in the treatment of asthma, hay fever, nasal catarrh, catarrhal condition of the mucous membrane, spasmodic diseases of the respiratory organs, and would quickly subdue the spasm, sooth the irritated membranes, promote free and easy expectoration, relieve oppressive sense of suffocation, restore natural breathing and produce comfortable feeling of calmness and respose in asthma, and that it was effective as a treatment for phthisis, ordinary colds, and catarrh.

On April 23, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24662. Adulteration and misbranding of Elixir Ampirin. U. S. v. 10 Bottles of Elixir Ampirin. Default decree of condemnation and destruction. (F. & D. no. 34682. Sample no. 14238–B.)

This case involved a drug preparation which was adulterated and misbranded, since it contained less acetanilid and less alcohol than declared on the label. The article was further misbranded because of unwarranted curative and therapeutic claims in the labeling.

On January 2, 1935, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bottles of Elixir Ampirin at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about July 7, 1934, by W. Scott Hunt, from Oxford, N. C., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of salicylic acid (20.6 grains per fluid ounce), acetanilid (6.45 grains per fluid ounce), alcohol (30.7 percent), extracts of plant materials, and water.

The article was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Alcohol, 39 percent; Acetanilide, 7 Grains to Each Fluid Ounce."

Misbranding was alleged for the reason that the statement on the label, "Contents: Alcohol, 39 percent; Acetanilide, 7 Grains to each Fluid Ounce", was false and misleading, since it contained less than 39 percent of alcohol and less than 7 grains of acetanilid to each fluid ounce. Misbranding was alleged for the further reason that the following statements borne on the label were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: "Grippe; * * * Nervousness, Loss of Sleep, and Physical and Mental Strain."

On April 23, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24663. Misbranding of Scott's Nose and Throat Drops. U. S. v. 97 Bottles of Scott's Nose and Throat Drops. Default decree of condemnation and destruction. (F. & D. no. 34735. Sample no. 14234–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On January 8, 1935, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 97 bottles of Scott's Nose and Throat Drops at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about October 16, 1934, by the Scott Drug Co., from Charlotte, N. C., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of mineral oil containing menthol, mint, eucalyptol, methyl salicylate, and not more than a trace of ephedrine.

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects were false and fraudulent: (Bottle) "For * * * Hay Fever"; (retail carton) "For * * * Hay Fever"; (circular) "Catarrh, Hay Fever * * * Clear Up Stuffy Head, Break Nasal Congestion In Ten Seconds Head Colds Get Relief Like a Flash One minute your head is all stopped up with a cold. Nose clogged; lining inflamed, eyes watering, throat sore, hoarse and husky. Now watch the quick change. It's like magic. Just a touch of Scott's Nose and Throat Drops to the inflamed swollen lining of the nose. Then lay head back until liquid trickles down into your throat. Count 10—and your head is clear. The breathing passages are opened. The huskiness is gone from your throat. All the stuffiness, soreness and inflammation have gone. Relief is so quick it positively astonishes every one who uses Scott's Nose and Throat Drops for the first time. Swelling and Soreness Ended. But that isn't all. You get Instant relief from the disagreeable effects of your cold or sore throat. And then rich, refreshing blood begins to circulate again through the swollen, raw membranes of nose and throat. That helps to end the cold in your head and throat and aids nature to get rid of the disease completely. So Scott's Nose and Throat Drops are double-acting. First they end the disagreeable effects of your cold—then they help end the cold too. Here's How To Sleep Sound Even when you haven't a cold, the nose and throat often clog up a little at night. Then you are kept awake, or sleep very fitfully. Use Scott's Nose and Throat Drops just before going to bed. Therefore, whether or not you have a cold, you'll have the best night's sleep you ever had. You'll awake feeling refreshed and fit by morning. 5000—Year—Old Chinese Secret Discovered By American Doctors And Used In These Drops Here's one of the reasons why Scott's Nose and Throat Drops give such amazing instant relief. They contain a wonderful ingredient made from a Chinese plant called Ma Huang. It has been used by the Chinese for 5000 years. Recently western physicians learned about it and began using it in their prescriptions for colds. They now call it Ephedrine. As a rule you find it only in the most expensive remedies, but we want people in every circumstance to benefit by this great discovery. So we have added it to Scott's Nose and Throat Drops. So never pay $1.00 to $1.50 for Ephedrine when you get it without any extra cost in Scott's Nose and Throat Drops. Only 25 cents—at all druggists. Catarrh And Hay Fever Get Immediate Relief Scott's Nose and Throat Drops are just as wonderful for Catarrh and Hay Fever as they are for ordinary colds. These are 'congestion' diseases just as colds are. Just put a few drops of Scott's Nose and Throat Drops in your nose and see all these disagreeable symptoms vanish at once. The nose clears; roaring head noises due to congestion end; the stuffy condition clears; the constant running of the nose is stopped. No more wheezing or interference with breathing. All the phlegm in your throat disappears and you no longer have to hawk and spit. The eyes stop watering. Bad breath or bad taste in your mouth are ended. Don't Dare To Neglect Catarrh It Poisons Your Entire Body Here is another reason for getting rid of catarrh as quick as you can. Those germ-laden discharges slip from your throat into your stomach all the time, even though you may not feel them dropping down. They sicken your stomach; hurt digestion. They also get into your blood through the lining of your throat and poison you. They can cause all kinds of infections. A lot of people who feel weak and tired all the time, or who are very nervous are really made so by the weakening effects of Catarrh. Stop these discharges this very day. Use Scott's Nose and Throat Drops at once. You'll not only get rid of the in-

convenient symptoms of Catarrh, but you'll feel better too, because you'll have stopped these poisonous, weakening droppings. 25¢ Complete Treatment—With Nasal Dropper Free. Don't pay high prices for remedies. We have made it unnecessary. Now you can get all the famous old ingredients of Scott's Nose and Throat Drops with Ephedrine added without paying the high prices charged for many other remedies containing this ingredient. So get the quickest relief you ever had from colds, catarrh, hay fever or sore throat by using Scott's Nose and Throat Drops. Save money too. Only 25 cents—with nose dropper Free. At all druggists. Instant Relief—Or Money Back Scott's Nose and Throat Drops are guaranteed to clear up congestion and give you wonderful relief in 10 seconds—or your money will be refunded"; (testimonials) "'Dry' Nostrils And Irritation Of Throat Banished 'Very much pleased with results. I use it for "dry" nostrils and irritation of nose and throat. Appreciated such a generous supply and expect to continue to use when needed.' * * * 'Four of us used Scott's Nose and Throat Drops for cold in the head and irritation of the throat and we were fully satisfied with the results. It's the best thing I ever used for cold in the head and throat, and of course I will recommend it to my neighbors. I will keep some on hand at all times.'"

On April 23, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24664. Misbranding of Marleo Ointment. U. S. v. 36 Jars of Marleo. Default decree of condemnation and destruction. (F. & D. no. 34744. Sample no. 1557-B.)

This case involved a drug preparation the labeling of which bore unwarranted curative and therapeutic claims.

On January 15, 1935, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 jars of Marleo Ointment at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about October 26, 1934, by the Marleo Chemical Co., from New Elm, Minn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of red lead, lead carbonate, and a small proportion of volatile oils, including turpentine oil and menthol, incorporated in fat.

The article was alleged to be misbranded in that certain statements appearing on the jar label and in a circular shipped with the article, falsely and fraudulently represented that it was effective as a treatment for open wounds, blood poisoning, croup, bronchitis, swollen glands, sore throat, rheumatism, lumbago, eczema, piles, boils, varicose veins, old running sores, rashes, pimples, salt rheum, bunions, soft corns, tonsilitis; quinsy, abscesses, carbuncles, swollen limbs and burns; effective in the treatment of infections from stepping on rusty nails, dog bites, and wood-tick bites; and effective to remove splinters.

On April 2, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24665. Misbranding of Sullivan's Indian Oil. U. S. v. 33 Bottles of Sullivan's Indian Oil. Default decree of condemnation and destruction. (F. & D. no. 35234. Sample no. 26071-B.)

This case involved a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling. The product was further misbranded since it was labeled to convey the impression that it was an Indian remedy, whereas it was not.

On March 11, 1935, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 bottles of Sullivan's Indian Oil at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about February 7, 1935, by the Sullivan Oil Co., from Manchester, N. H., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of mustard oil, methyl salicylate, capsicum oleoresin, kerosene oil, and a fatty oil.

The article was alleged to be misbranded in that the word "Indian" in the name of the article, appearing in the circular accompanying the package, was

false and misleading. Misbranding was alleged for the further reason that the following statements appearing in the labeling were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: (Carton and label) "Is an Instant Relief for * * * Earache, Toothache, Coughs, * * * Catarrh, Croup, Sore Throat, Hoarseness, Bronchitis, Catarrhal Deafness, Whooping Cough, Asthma, Influenza, * * * Rheumatism"; (circular) "Treatment of Pain for Man or Beast * * * It May Save Hours of Suffering * * * Pain may occur in any part of the body. When seized with pain think of this medicine * * * Rheumatic Pains is a disease that few are ever so fortuate as to escape. Its favorite seats are in the joints and nerves, or changing of the pain from one place to another are its ruling symptoms. Now it will attack the shoulder, next we find it in the knee, when leaving the knee it will appear in the hip joints, and thus it will go on successively visiting every joint in the body. This medicine is particularly recommended for pains. It should be rubbed over the painful and swollen parts. Neuralgia Pains are, strictly speaking, a disease of the nervous system and is characterized with sharp, shooting, intense pains, which generally are confined to some particular part of the body, the pain being intermittent with its character coming and going at its pleasure. This medicine will be found very serviceable in these complaints. It should be applied externally to the affected parts. Toothache. Apply the medicine to the gums around the aching tooth, and bathe the side of the face with it * * *. Sore Throat * * * Lumbago Pains. Hundreds of persons have been entirely relieved of lumbago pains. * * * the patients will be relieved from those fainting and other nervous sensations that are so apt to arise. In these cases the wounded part should be gently bathed with the medicine. * * * moisten a cloth with it and bind to affected part so as to draw out the poison."

On May 13, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24666. Adulteration and misbranding of ether. U. S. v. 29 Cans of Ether. Default decree of condemnation and destruction. (F. & D. no. 35241. Sample no. 29435–B.)

This case involved an interstate shipment of ether samples of which were found to contain peroxide.

On March 12, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 cans of ether at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 30, 1934, by the Mallinckrodt Chemical Works, from St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ether for Anesthesia."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in that authority, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the following statements appearing on the label, "Critical Care in the Manufacture of this Ether Assures Anesthetists and Surgeons of a Product that is Free from Impurities as Peroxide", were false and misleading.

On May 24, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24667. Misbranding of Tussamag. U. S. v. 10 Bottles of Tussamag. Default decree of condemnation and destruction. (F. & D. no. 35137. Sample no. 21516–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On February 13, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bottles of Tussamag at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about October 4, 1934, by Dr. Robert M. Froehlich (Right-O Products Co.), from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Tussamag * * * Albert Mendel Akt.-Ges. Chemical Works, Berlin, Germany.

* * * Sole agents for the U. S. A.: Right-O Products Company Robert M. Froehlich, Ph. D. New York, N. Y."

Analysis showed that the article consisted essentially of extracts of plant drugs, including thyme, a saponin, glycerin, sugar, alcohol, and water.

The article was alleged to be misbranded in that the following statements appearing in the labeling were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: (Carton) "Tussamag * * * Clinically approved in Pharyngitis, Laryngitis, all kinds of Bronchitis, Bronchial Asthma (Dyspnoea), Pertussis, Pulmonary Tuberculosis. * * * Not less than 6 teaspoonful a day, according to age of patient and severity of disease. In Whooping Cough: ½ to 1 teaspoonful within an hour"; (front bottle label) "Tussamag"; (back bottle label) "Tussamag The medically approved remedy against all diseases of the respiratory tract, especially: Pharyngitis, Laryngeal Cough, Bronchitis, Bronchial Dyspnoea, and Whooping Cough. * * * In Whooping Cough * * * In Attacks of Dyspnoea: * * * Many years' clinical experience in the Hospital for Pulmonary Diseases"; (circular) "Indications: Acute, subacute and chronic bronchitis, broncho-pneumonias, subsequent bronchitis after tuberculosis, broncho-ectasias, bronchial asthma, pharyngitis, laryngitis, whooping cough. * * * In attacks of asthma * * * When used for the treatment of tuberculosis, it increases (sic) the metabolism by amplifying the resorption, due to the stimulating effect of the Saponin [similar statements in foreign languages.]"

On April 29, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24668. Misbranding of Kay's Ointment, Kay's Powder, and Kay's Leg Oil. U. S. v. 23 Jars of Kay's Ointment, et al. Default decrees of condemnation and destruction. (F. & D. nos. 35161, 35162. Sample nos. 21514–B, 21515–B, 21522–B to 21527–B, incl.)

These cases involved drug preparations the labeling of which contained unwarranted curative and therapeutic claims.

On February 19, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 232 jars of Kay's Ointment, 26 cans of Kay's Powder, and 18 bottles of Kay's Leg Oil at Newark, N. J., alleging that the articles had been shipped in interstate commerce between the dates of November 10, 1934, and January 12, 1935, by Kraupner & Kraupner, Inc., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that Kay's Ointment consisted essentially of zinc and bismuth compounds and benzocaine incorporated in a mixture of petrolatum and wool fat; that Kay's Powder consisted of sodium perborate; and that Kay's Leg Oil consisted essentially of cottonseed oil perfumed with lavender oil.

The articles were alleged to be misbranded in that certain statements appearing in the labeling falsely and fraudulently represented that the articles, when used alone or in combinations, were effective to afford immediate relief for the itching, burning and smarting of ulcerated legs and leg sores; and would be effective in the treatment of ulcerated legs and leg sores including chronic and old sores.

On June 3, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24669. Adulteration of tincture of digitalis and tincture of belladonna leaves; misbranding of elixir pepsin, bismuth and strychnia, and wine ergot; and adulteration and misbranding of tincture of strophanthus, fluidextract of hyoscyamus, fluidextract of colchicum seed, tincture of hyoscyamus, elixir of digitalin compound, and tincture of colchicum seed. U. S. v. Four 16-Ounce Bottles of Tincture Strophanthus, et al. Default decrees of condemnation and destruction. (F. & D. nos. 35193 to 35202, incl. Sample nos. 22443–B, 22445–B, 22450–B, 22452–B, 22453–B, 22492–B, 22493–B, 22494–B, 22495–B, 22498–B.)

These cases involved shipments of various drugs adulterated and/or misbranded in the following respects: The elixir of pepsin, bismuth, and strychnia contained less pepsin than declared; the elixir digitalin compound contained less strychnine sulphate and less nitroglycerin than declared; the wine ergot contained alcohol in excess of the amount declared; and the remaining products

were sold under names recognized, or synonymous with names recognized, in the United States Pharmacopoeia, and differed from the standard laid down in that authority. The labeling of the tincture of strophanthus bore unwarranted curative and therapeutic claims.

On March 6, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 37 bottles of tincture of strophanthus, 6 bottles of tincture of digitalis, 13 bottles of fluidextract of hyoscyamus, 1 bottle of fluidextract of colchicum seed, 10 bottles of tincture of belladonna leaves, 10 bottles of tincture of hyoscyamus, 1 bottle of elixir pepsin, bismuth, and strychnia, 4 bottles of elixir digitalin compound, 7 bottles of tincture of colchicum seed, and 24 bottles of wine ergot at New Orleans, La., alleging that the articles had been shipped in interstate commerce in various shipments on or about March 27, March 28, and March 30, 1934, by the Southwestern Drug Corporation, from Houston, Tex., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "From The Laboratory of Houston Drug Company, Houston Texas."

The libels charged adulteration of certain of the products in that they were sold under names recognized in the United States Pharmacopoeia, or under names synonymous with names recognized in the pharmacopoeia, and differed from the standard of strength as determined by the tests laid down in that authority in the following respects, and their own standard of strength was not stated on the labels: The tincture of strophanthus had a potency of four-tenths of that required by the pharmacopoeia; the tincture of digitalis had a potency of less than three tenths of that required by the pharmacopoeia; the fluidextract of hyoscyamus yielded 0.179 gram of alkaloids, whereas the pharmacopoeia specifies that it yield not more than 0.075 gram of alkaloids of hyoscyamus; the fluidextract of colchicum seed yielded 0.70 gram of colchicum per 100 cubic centimeters; whereas the pharmacopoeia specifies that fluidextract of colchicum yield not more than 0.44 gram of colchicum per 100 cubic centimeters; the tincture of belladonna leaves yielded 0.57 gram of alkaloids per 100 cubic centimeters, whereas the pharmacopoeia requires that tincture of belladonna shall yield not more than 0.033 gram of the alkaloids of belladonna per 100 cubic centimeters; the tincture of hyoscyamus yielded 0.0109 gram of alkaloids per 100 cubic centimeters, whereas the pharmacopoeia provides that it yield not more than 0.0075 gram of alkaloids per 100 cubic centimeters; the tincture of colchicum seed yielded 0.077 gram of colchicine per 100 cubic centimeters, whereas the pharmacopoeia specifies that tincture of colchicum should yield not more than 0.044 gram of colchicine per 100 cubic centimeters.

Adulteration of the elixir digitalin compound was alleged for the reason that its strength fell below the professed standard under which it was sold, namely, "Each fluid drachm contains * * * Strychnine Sulphate 1–50 gr.; Nitroglycerin 1–100 gr.", since it contained not more than 1/69 grain of strychnine sulphate and 1/190 grain of nitroglycerin per fluid dram.

The libels alleged that certain of the products were misbranded because of the following false and misleading statements on the labels: (Tincture of strophanthus) "Tinct, strophanthus, U. S. P.", (fluidextract of hyoscyamus), "Standard–0.055 to 0.075% alkaloids"; (fluidextract of colchicum seed) "Fluid Extract Colchicum Seed, U. S. P. * * * Standard of Strength—0.36–0.44% of Colchicine"; (tincture of hyoscyamus) "Tinct, Hyoscyamus, U. S. P."; (elixir pepsin, bismuth, and strychnia) "Each fluid drachm containing one grain Pure Pepsin"; (elixir digitalin compound) "Each fluid drachm contains: * * * Strychnine Sulphate 1–50 gr.; Nitroglycerin 1–100 gr."; (tincture of colchicum seed) "Tinct. Colchicum Seed, U. S. P.", (wine ergot) "alcohol 13%."

Misbranding of the wine ergot was alleged for the further reason that the package failed to bear on the labeling a statement of the quantity or proportion of alcohol contained in the article, since the product contained more alcohol than declared, namely, 27.23 percent. Misbranding of the tincture of strophanthus was alleged for the further reason that the following statements in the labeling regarding its curative and therapeutic effects, "A powerful cardiac stimulant, acts more powerfully on the heart than digitalis. * * * Dose of the Tincture—1 to 10 minims (0.065 to 0.55 Cc.) administered caustiously (sic)" were false and fraudulent.

On April 2, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24670. Misbranding of Antiseptine, Genius Vaporine Ointment, white petrolatum, and Victory Vapor Balm. U. S. v. 132 Bottles of Antiseptine, et al. Default decrees of condemnation and destruction. (F. & D. nos. 35153 to 35156, incl. Sample nos. 28836–B, 28837–B, 28840–B to 28843–B, incl.)

These cases involved drug preparations which were misbranded because of unwarranted curative and therapeutic claims in the labeling. The Antiseptine was further misbranded since it was not antiseptic as claimed in the labeling when used according to directions; the white petrolatum was further misbranded since the jars contained less than the declared weight.

On February 18, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 558 bottles of Antiseptine, 285 jars of Genius Vaporine Ointment, 1,149 jars of white petrolatum, and 239 cans of Victory Vapor Balm at Boston, Mass., alleging that the articles had been shipped in interstate commerce in various shipments between the dates of May 31, 1934, and February 3, 1935, by the Hygienic Pharmacal Laboratories, from New Haven, Conn., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled, variously: "Antiseptine * * * Genius Phar. Lab."; "Genius Vaporine Ointment * * * Genius Phar. Lab."; "White Petrolatum"; "Victory Vapor Balm * * * Made only by The V. V. B. Company, Denver, Colo."

Analysis showed that the Antiseptine consisted essentially of alcohol, water, boric acid, benzoic acid, and salicylic acid together with small proportions of witch hazel, thymol, eucalyptol, and menthol. Bacteriological examination showed that it was not antiseptic when diluted with three parts of water. Analyses of the remaining products showed that the Vaporine Ointment consisted essentially of white petrolatum with volatile oils including eucalyptus oil and menthol; that the jars of the white petrolatum contained less than 2 ounces of the product; and that the Victory Vapor Balm consisted essentially of volatile oils, including eucalyptus and cajeput oils (2.2 percent), incorporated in a mixture of petrolatum and paraffin.

The articles were alleged to be misbranded in that the following statements regarding their curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Antiseptine) "Directions For * * * Dandruff * * * and Rheumatism use Antiseptine full strength. For Laryngitis, Pharyngitis, Tonsilitis or Sore Throat use Antiseptine one part to three parts of hot water, and gargle as hot as possible, soon as any soreness is felt in throat. Repeat gargle as often as possible until relief is obtained"; (Vaporine Ointment) "For * * * Coughs Congestion & Catarrh. Directions For * * * Tonsilitis Rub well vapor ointment over chest and throat allowing the patient to inhale the vapor freely, then cover with warm flannel. For Catarrh Melt a little vapor ointment in a spoon and inhale the vapors, or apply to nostrils. For inflammation Apply to affected parts as salve"; (white petrolatum) "Internal uses: * * * Sore Throats"; (Vapor Balm, can label) "For Catarrh * * * Tonsilitis Croup Asthma Hay Fever * * * Take this germ destroying * * * treatment"; (carton) "A simple and practical treatment For Hay Fever * * * Catarrh, Influenza, 'Flu' Asthma, Croup. Whooping Cough, Quinzy, Sore Throat, Bronchitis and kindred diseases"; (circular) "An Internal Vapor Bath For The * * * Lungs. A simple and practical treatment for: Hay Fever * * * Influenza 'Flu.' Asthma Quinzy Bronchitis Summer Colds * * * is the practical result of extensive experiments conducted in the hope of finding a cure for 'Flu,' Hay Fever, * * * Catarrh, Asthma and kindred diseases without having to take medicine, work an atomizer or snuff powder or ointment up the nose. * * * is the perfected and improved method of applying medication to the * * * lungs in a practical, natural way. * * * The medicated vapor is breathed and inhaled into the * * * lungs, reaching the affected membrane and tissues * * * (See illustration no. 3.) [Illustration no. 3 is a side picture of a woman showing vapor passing through nose and throats into lungs] It is no easy matter to treat affections of the air passages by internal medicine or external applications. Taking medicine into the stomach to relieve affections of the head, throat, lungs, etc., seems a very indirect treatment. You breathe in germs that cause the trouble, why not breathe in the medication that destroys the germs. How to Avoid the 'Flu.' Breathe in the vapor from V. V. B. and kill the germs before they become dangerous, or active. The very first treatment of V. V. B. opens your * * * air passages of the head; stops nose running; relieves * * * dullness,

feverishness and sneezing. The vapor from V. V. B. will strengthen and aid in clearing the eyes and overcome the inflammation and watering. * * * In aggravated and severe cases repeat the treatment as often as necessary when irritation returns. * * * should clear up the head and stop the sneezing, blowing and running of the nose, and watering of the eyes. (* * * Use daily and avoid the danger from diseased germs that may have been breathed in.) * * * efficacious as an adjunct in the treatment of Catarrh * * * and Hay Fever." Misbranding of the Antiseptine was alleged for the further reason that the statements appearing in the labeling, "Antiseptic * * * use one part Antiseptine to three parts of lukewarm water * * * use Antiseptine one part to three parts hot water", were false and misleading, since the article was not an antiseptic when used as directed. Misbranding of the white petrolatum was alleged for the further reason that the statement on the label, "Net Wgt. 2 Oz.", was false and misleading, since the jars contained less than the declared weight.

On April 8, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24671. Misbranding of Wilharm's Salve. U. S. v. 87 Packages of Wilharm's Salve. Default decree of condemnation and destruction. (F. & D. no. 35213. Sample no. 21528–B.)

This case involved an interstate shipment of a drug preparation which was misbranded because of unwarranted curative and therapeutic claims appearing in the labeling.

On March 4, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 87 packages of Wilharm's Salve at New York, N. Y., alleging that the article had been shipped in interstate commerce in various shipments on or about November 28, 1934, January 5, and January 26, 1935, by Dr. G. F. E. Wilharm's Sons, from Pittsburgh (Crafton), Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of lead compounds such as lead oleate and lead oxide, camphor, an extract of woody material, such as elm bark, and fat.

The article was alleged to be misbranded in that certain statements appearing on the carton, jar label, and in the circular, falsely and fraudulently represented that it was effective in the treatment of felons, catarrhs, bealings, bealed breasts, carbuncles, boils, abscesses, swellings, cuts, soft corns, sores, running sores, and painful sores.

On March 20, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24672. Adulteration and misbranding of Ferro China De Angelis; and misbranding of Thymoform and artificial Vichy water powders. U. S. v. 10 Large Bottles of Thymoform, et al. Default decrees of condemnation and destruction. (F. & D. nos. 35248 to 35252, incl. Sample nos. 28877–B, 28878–B, 28879–B.)

These cases involved drug preparations which were misbranded because of false and fraudulent curative and therapeutic claims in the labeling. The labelings of the Thymoform and the Ferro China De Angelis were further objectionable since the former was falsely represented to be nonpoisonous and nonirritating and to possess disinfecting and antiseptic properties when diluted according to directions, and the latter contained a smaller amount of the alkaloids of cinchona bark than declared, it was sold as an elixir of cinchona bark and iron, but in fact contained little of the alkaloids derived from cinchona bark, and little iron, and was short volume.

On March 11, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 37 large bottles, 36 medium bottles, and 61 small bottles of Thymoform, 22 bottles of Ferro China De Angelis, and 6 packages of artificial Vichy water powders at Boston, Mass., alleging that the articles had been shipped in interstate commerce in part on or about November 14, 1934, and in part on or about December 11, 1934, by the Chemical Industrial Co., from Providence, R. I., and charging adulteration and misbranding of the Ferro China De Angelis, and misbranding of the Thymo-

form and artificial Vichy water powders, in violation of the Food and Drugs Act as amended. The Thymoform was labeled in part: "Manufactured * * * by Thymoform Co., Providence, R. I."

Analysis of a sample of the Thymoform showed that it consisted essentially of water, formaldehyde, soap, a small proportion of glycerin and volatile oils including thymol and eucalyptol; bacteriological tests showed that it was not a germicide when diluted with four or more parts of water. Analysis of the Ferro China De Angelis showed that it consisted essentially of cinchona alkaloids (0.179 gram per 100 milliliters), strychnine, an iron compound equivalent to metallic iron (0.14 gram per 100 milliliters), a phosphorus compound, sugar, aromatics, alcohol, and water; it contained in 1,000 cubic centimeters the extractive matter from not more than 35.8 grams of cinchona bark. Analysis of the artificial Vichy water powders showed that it consisted of two powders, one composed of sodium bicarbonate, sodium sulphate, magnesium sulphate, and sodium chloride; the other composed of tartaric acid.

Adulteration of the Ferro China De Angelis was alleged in that its strength fell below the professed standard under which it was sold, namely, "Formula Alkaloids of 100 Gm. Cinchona Bark * * * to make 1000 c. c."

Misbranding of the Ferro China De Angelis was alleged for the reason that the following statements appearing on the label were false and misleading: "Formula Alkaloids of 100 Gm. Cinchona Bark * * * to make 1000 c. c. * * * Average capacity 32 fluid ounces * * * Ferro China * * * Elixir Calisaya Bark & Iron."

Misbranding of the Thymoform was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Carton) "Universal Disinfectant An ideal disinfectant, non-poisonous * * * non-irritating * * * From ½ to 1 tablespoonful of Thymoform in a quart of water * * * 2 tablespoonsful of Thymoform to a quart of water, for general hygienic use * * * 4 tablespoonsful of Thymoform to 1 quart of water where a solution of extra strength is needed"; (bottle label) "Universal Disinfectant An ideal disinfectant, non-poisonous * * * non-irritating * * * From ½ to 1 tablespoonful of Thymoform in a quart of water * * * 2 tablespoonful of Thymoform to a quart of water for general hygienic uses * * * 4 tablespoonsful of Thymoform to 1 quart of water where a solution of extra strength is needed"; (circular) "Bacteriacide Disinfectant * * * Non-Irritating Non-Poisonous. 'Thymoform' instantly deodorizes and disinfects any material to which it is applied, no matter how fetid or offensive. Destroys and neutralizes all poisonous gases arising from decayed animal or vegetable matter. * * * Used: From ½ to 1 tablespoonful to 1 quart of water * * * 2 tablespoonfuls to 1 quart of water for general hygienic uses, and especially for antisepsis in personal hygiene of women. 4 tablespoonfuls to 1 quart of water where a solution of extra strength is needed. [Similar statements in foreign languages]."

Misbranding was alleged with respect to all products for the reason that the following statements appearing in the labeling were statements regarding their curative or therapeutic effects, and were false and fraudulent: (Thymoform, carton) "For all washes to prevent infection of the nose, mouth and throat. * * * Prevents any danger of blood poisoning because it kills germs, therefore it is recommended for * * * sores, and wounds * * * prevents infection * * * May be used undiluted on fresh cuts to stop bleeding * * * any further inflammation, * * * or swelling of the skin may be prevented by rubbing a few drops of Thymoform on the part of the body so infected"; (bottle) "Prevents infection * * * to prevent infection of the nose, mouth and throat * * * prevents any danger of blood poisoning because it kills germs, therefore it is recommended for * * * sores, and wounds, * * * May be used undiluted on fresh cuts to stop bleeding"; (circular) "Prevents contagion. * * * [similar statement in foreign languages]"; (Ferro China De Angelis) "Rebuilding * * * rich with assimilative Iron and the active principles of Chinchona Calisaya, is the best cure for: Enemia * * * Paleness—Malaria Stomach diseases, loss of appetite and General debility. The continued use, will strengthen the organism, and prevent many diseases"; (artificial Vichy water powders) "An indispensible product of modern therapy to place within the reach of everybody the curative process of alkali medicament, scientifically and practically recognized as the best in all cases of chronic indigestion, Acute Stomach Trouble, diseases of the Liver, Kidneys, Bowels, etc. [Similar statement in foreign language]."

On April 29, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24673. Misbranding of Dr. Wright's Wormosol. U. S. v. 21 Cans of Dr. Wright's Wormosol. Default decree of condemnation and destruction. (F. & D. no. 35255. Sample no. 19796–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On March 12, 1935, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cans of Dr. Wright's Wormosol at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about January 9, 1935, by the Dr. Wright Chemical Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of volatile oils (1.8 percent), fish oils (4.6 percent), water (88.3 percent), and a nitrogenous emulsifying agent (5.2 percent).

The article was alleged to be misbranded in that the following statements appearing in the labeling were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: "Controls Worms in Chickens and Turkeys. Wormosol is a tonic and antiseptic. * * * Wormosol decreases mortality in growing chicks, young poults and mature birds by preventing worms from lowering resistance or destroying health. Stop losing money—use Wormosol. * * * Wormosol Wormosol is a modern scientific remedy for worms in chicks and turkeys. * * * to control reinfestation."

On May 17, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24674. Misbranding of Dr. Thacher's Liver and Blood Syrup. U. S. v. 253 Bottles of Dr. Thacher's Liver and Blood Syrup. Default decree of condemnation and destruction. (F. & D. no. 35257. Sample no. 19480–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On March 14, 1935, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 253 bottles of Dr. Thacher's Liver and Blood Syrup at Lawrenceburg, Ind., alleging that the article had been shipped in interstate commerce on or about February 10, 1928, by the Billiken Wholesale Drug Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample showed that the article consisted essentially of extracts of plant drugs including a laxative drug, glycerin, sugar, alcohol, and water.

The article was alleged to be misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "Dr. Thacher's Liver and Blood Syrup, A valuable Tonic for the Liver and Blood"; (label) "Dr. Thacher's Liver & Blood Syrup. * * * Recommended as helpful in the treatment of Torpid Liver, Biliousness, Constipation, Indigestion, Loss of Appetite, Skin Eruptions and Blood Impurities. * * * Directions: One or two teaspoonfuls in water after meals, increase or decrease the dose as needed to move the bowels freely once a day. Children in proportion to age and constitution"; (circular) "Dr. Thacher's Liver And Blood Sirup. Constipation of the bowels is responsible for a very large proportion of ordinary ailments. Among these may be mentioned 'Biliousness,' so called Dyspepsia, 'Sick Headache,' Sour Stomach, 'Heartburn,' Indigestion and some forms of Colic. To obtain relief the bowels should be moved promptly and kept open—one or two actions per day. Dr. Thacher's Liver and Blood Sirup is composed of Vegetable Drugs, and is Laxative or Cathartic, according to the size of the dose. The usual symptoms of Biliousness, Indigestion and Dyspepsia are headache, a dull heavy sensation, especially in the morning, bitter taste in the mouth, dull pains and a feeling of 'fullness' in the head, loss of appetite, lack of vigor and energy, pale or sallow, eyes sunken, gas in the stomach, dry cough, 'heartburn' and palpitation. * * * Take a dose of Dr. Thacher's Liver and Blood Syrup, sufficient to move the bowels freely, on the first appearance of any symptoms indicating

that the stomach is out of order. One-half to a tablespoonful is usually sufficient. Then take from one to two or even more teaspoonfuls After Meals. As a Tonic take enough After Each Meal to insure one or two full, free, actions of the bowels daily. Dyspeptics should take a large dose, two or more teaspoonfuls, after eating a hearty meal or something which is hard to digest. * * * Sick Headache—When the attack is coming on take several teaspoonful doses one hour apart."

On May 18, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24675. Adulteration and misbranding of Watkins Veterinary Balm. U. S. v. 39¾ Dozen Cans of Watkins Veterinary Balm. Default decree of condemnation and destruction. (F. & D. no. 35279. Sample no. 12122–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative, therapeutic, antiseptic, and germicidal claims.

On March 23, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39¾ dozen cans of Watkins Veterinary Balm at Oakland, Calif., alleging that the article had been shipped in interstate commerce in various shipments between the dates of November 10, 1934, and January 4, 1935, by the J. R. Watkins Co., from Winona, Minn., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of petrolatum containing a small amount of methyl salicylate. Bacteriological tests showed that it was neither antiseptic nor germicidal.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Germicidal Salve * * * Antiseptic dressing."

Misbranding was alleged for the reason that the following statements appearing on the label were false and misleading: "Germicidal Salve * * * It contains a powerful antiseptic which is more highly effective in killing than carbolic acid (phenol) * * * an antiseptic dressing." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: "Inflammation, and congestion of the udders of cows, sows and ewes. * * * for the relief of certain simple disorders peculiar to the udders of cows, sows and ewes, such as hardness, inflammation and congestion. * * * It is helpful in preventing and checking Cow Pox * * * It is valuable for open cuts, galls and sore shoulders in horses. * * * for * * * sores * * * For Cow Pox: Apply to teats before milking. Repeat until healed. * * * In extreme cases * * * Apply Veterinary Balm over affected parts * * * Repeat several times daily according to the seriousness of the trouble. * * * Sores * * * In serious cases * * * Repeat several times daily according to the seriousness of the trouble."

On April 10, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24676. Misbranding of Bleachodent Liquid and Bleachodent Paste. U. S. v. 105 Dozen Packages of Bleachodent Liquid and Bleachodent Paste. Default decree of condemnation and destruction. (F. & D. no. 35282. Sample no. 28910–B.)

This case involved drug preparations the labeling of which contained unwarranted curative and therapeutic claims.

On March 21, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 105 dozen packages, each containing one bottle of Bleachodent Liquid and one trial-sized tube of Bleachodent Paste, at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about April 27, 1934, by the Hygienic Pharmacal Laboratories, from New Haven, Conn., and charging misbranding in violation of the Food and Drugs Act as amended. Certain of the packages were labeled in part: "Manufactured by Bleachodent Dental Laboratories, Inc., New York London Toronto." Certain others were labeled in part: "Distributed by Bleachodent Dental Laboratories, Inc., New York London Toronto."

Analysis of the Bleachodent Liquid showed that it consisted essentially of sodium bisulphate and ammonium chloride dissolved in water with small quantities of calcium and magnesium compounds and a red coloring matter. Analysis of the Bleachodent Paste showed that it consisted essentially of calcium carbonate, sodium chloride, sodium bicarbonate, sodium sulphite, soap, sugar, starch, glycerin, and water, together with coloring and flavoring materials.

The articles were alleged to be misbranded in that the following statements appearing in the labeling were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Bleachodent Paste, tube) "Designed to harden soft, tender gums, * * * and retard decay"; (circular in package) "Bleachodent Liquid has a beneficial effect on the gums, and is of value in helping to ward off that dread ailment—Pyorrhea. * * * The breaking up of the mucin coating helps prevent tartar, one of the chief causes of pyorrhea. * * * Bleachodent Paste * * * due to its high antiseptic qualities is of splendid value in alleviating suffering from tender bleeding gums. * * * Cases of bleeding gums often respond in a remarkably short time to the beneficial ingredients of Bleachodent Paste. * * * Bleachodent Paste * * * unexcelled as an aid in preventing pyorrhea * * * unexcelled in the benefits it brings to teeth and mouth. Start Now To Acquire Clean White Healthy Teeth!"

On April 29, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24677. Misbranding of Teenjore Ointment. U. S. v. 124 Small Jars and 46 Large Jars of Teenjore Ointment. Default decree of destruction. (F. & D. no. 35291. Sample no. 11932–B.)

This case involved a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling. The labeling was further objectionable since the product was represented to be an old Chinese remedy and to be free from injurious ingredients; whereas in fact it contained ingredients not known to the Chinese before modern times, and contained an ingredient that might be injurious.

On March 23, 1935, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 124 small jars and 46 large jars of Teenjore Ointment at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about September 28, 1934, by George Lee, from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of ammoniated mercury, camphor, and petrolatum.

The article was alleged to be misbranded in that the following statements appearing in the labeling, (jar) "Famous Old Chinese Eczema Remedy * * * Contains No * * * Injurious Substances", and (circular) "Famous Old Chinese Eczema Remedy * * * compounded from an original old Chinese formula * * *. It is absolutely free from all * * * injurious ingredients and no harm can possibly come from its use", were false and misleading, since the article contained ingredients not known to the Chinese before modern times, and since it contained ammoniated mercury. Misbranding was alleged for the further reason that the following statements appearing in the labeling were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Label, large jars) "Famous Old Chinese Eczema Remedy * * * Recommended for Eczema, Itch, Dandruff, * * * Scall, Pimples, Ulcers, Rash, Piles, Impetigo, Psoriasis, Ulcerated Legs, Boils and Kindred Skin Diseases"; (label, small jars) "Famous Old Chinese Eczema Remedy * * * Recommended for Eczema, Itch, Dandruff * * * Pimples, Ulcers, Rash, Piles, Impetigo, Psoriasis, Ulcerated Legs, Boils and Kindred Skin Diseases"; (circular) "Famous Old Chinese Eczema Remedy * * * For the Treatment of Eczema, Itch, Pimples, Impetigo, Psoriasis, Dandruff, Ulcerations and Kindred Skin Disorders * * * skin remedy * * * for treatment of Eczema and other annoying skin disorders. * * * Eczema, Psoriasis, Itch, Acne, Ringworm, Shingles, * * * Scabies, Impetigo, etc.—apply remedy twice daily, night and morning directly into parts affected. Dandruff, Scaly Scalp—Apply remedy at night with finger tips until irritation is relieved. It is necessary to cleanse scalp with warm water and soap bi-weekly. * * * etc. * * * Barber's Itch, Facial Eruptions—Apply

night and morning. Boils, Carbuncles, Pimples, Rash—Apply remedy to affected parts and change dressing daily. * * * Ulcerated Legs, Old Sores—Wash with warm water or tea. Apply remedy generously, bandage where possible and change application daily. Baby's Eczema—Wash with warm water or tea. Apply remedy into affected parts morning and night. Itching Piles or Hemorrhoids—Keep bowels open and regular. Bathe affected parts and apply remedy twice daily. Soft Corns, Sore * * * Feet—Massage with remedy to relieve condition. * * * Mange, Eczema and Skin Troubles of Animals—Apply remedy directly to affected parts every day. Wash with warm water and mild soap. * * * for Eczema . . . Itch . . . Pimples . . . Boils . . . * * * . . . Ulcerated Legs . . . Scabies . . . Piles . . . Rash . . . * * * How long have you had ailments? . . . Suffer Pain? . . . * * * . . . Bad Appearance? What part of the body is affected? How large is affected part?"

On May 3, 1935, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24678. Misbranding of Hall's Canker Medicine. U. S. v. 100 Bottles of Hall's Canker Medicine. Default decree of condemnation and destruction. (F. & D. no. 35292. Sample no. 369–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On March 22, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 bottles of Hall's Canker Medicine at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 31, 1934, by S. A. Saxton, from Salt Lake City, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. On March 25, 1935, an amended libel was filed.

Analysis showed that the article contained a zinc salt and boric acid.

The article was alleged to be misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Bottle) "Canker medicine * * * valuable in treatment of canker, simple sore throat, tonsilitis, * * * as a preventative for canker"; (circular) "A treatment for canker, simple sore throat, tonsilitis, * * * canker medicine for the treatment of canker, valuable in the treatment of canker, simple sore throat, tonsilitis, * * * as a preventative for canker, * * * canker first comes in small pimples on the tongue and gums when it is very bad or the stomach is foul * * * it is our first thought when any throat trouble appears in the family and we attribute our escape from this kind of trouble to this wonderful medicine * * * I have been a user of Halls Canker Remedy for some time and in cases of threatened throat trouble."

On April 20, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24679. Adulteration and misbranding of Carbosalve, and misbranding of capsicum salve and Unguensalve. U. S. v. 53 Jars of Capsicum Salve, et al. Default decrees of condemnation and destruction. (F. & D. nos. 35299, 35300, 35301. Sample nos. 28905–B to 28909–B incl.)

These cases involved various salves which were misbranded because of unwarranted curative and therapeutic claims appearing in the labeling. The labeling of the Carbosalve was further objectionable, since the article was represented to be antiseptic, whereas it was not antiseptic.

On March 27, 1935, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 53 jars of capsicum salve, 76 jars of Unguensalve, and 22 jars of Carbosalve at Providence, R. I., alleging that the articles had been shipped in interstate commerce between the dates of November 20, 1934, and February 25, 1935, by the Aid All Co., from Newark, N. J., and charging adulteration and misbranding of the Carbosalve and misbranding of the remaining products in violation of the Food and Drugs Act as amended.

Analyses showed that the capsicum salve consisted essentially of methyl salicylate (3.4 percent) and capsicum oleoresin incorporated in petrolatum; that

the Ungensalve consisted essentially of phenol (2 percent) incorporated in a mixture of petrolatum and paraffin; and that the Carbosalve consisted essentially of phenol (0.33 percent) incorporated in petrolatum.

The Carbosalve was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely "antiseptic."

Misbranding of the Carbosalve was alleged for the reason that the statement "antiseptic" borne on the label was false and misleading, since the product was not antiseptic. Misbranding was alleged with respect to all products for the reason that the following statements borne on the labels were statements regarding the curative or therapeutic effects of the articles and were false and fraudulent: (Capsicum salve) "For * * * Rheumatism, Lumbago"; (Unguensalve) "Healing, * * * Boils, Piles, Pimples * * * Eczema, * * * Ulcers, Etc."; (Carbosalve) "An antiseptic healing agent for sores, wounds and skin infections."

On May 15, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24680. Adulteration and misbranding of Booth's Hyomei. U. S. v. 33 Packages of Booth's Hyomei. Default decree of condemnation and destruction. (F. & D. no. 35302. Sample no. 28895–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative, therapeutic, and antiseptic claims.

On March 26, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 packages of Booth's Hyomei at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about December 21, 1934, by James E. Stras, from La Crosse, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Booth's Hyomei * * * Booth's Hyomei Company Sole Distributors."

Analysis showed that the article consisted essentially of eucalyptus oil, menthol, creosote, and mineral oil.

The article was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely, (carton) "An Antiseptic Breathing Treatment", since the article was not antiseptic.

Misbranding was alleged for the reason that certain statements appearing in the labeling falsely and fraudulently represented that it was effective in the treatment of catarrh of the head or throat, hay fever, catarrhal coughs, bronchitis, laryngitis, and head colds.

On May 27, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24681. Misbranding of Mother's Salve. U. S. v. 135 Small Packages, et al., of Mother's Salve. Default decrees of condemnation and destruction. (F. & D. nos. 35303, 35357, 35358. Sample nos. 11975–B, 26200–B, 26224–B.)

These cases involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On April 1 and April 16, 1935, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 156 packages of Mother's Salve at Trinidad, Colo., and 129 packages of Mother's Salve at Denver, Colo., consigned by Mother's Remedies Co., alleging that the article had been shipped in interstate commerce in various shipments on or about July 13, August 24, and December 7, 1934, and January 18, 1935, from Chicago, Ill., into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of potassium chlorate (0.6 percent), ginger oleoresin, glycerin, and volatile oils including menthol and eucalyptol, sassafras, turpentine, and cassia oils, incorporated in a mixture of petrolatum and wax.

The article was alleged to be misbranded in that the following statements in the labeling regarding the curative and therapeutic effects of the article were false and fraudulent: (Jar label) "For * * * Coughs, and Croup. Rub the Chest and Throat vigorously with Mother's Salve, then spread it on thickly and cover with a warm flannel until absorbed. * * * For Catarrh. Snuff a small amount up the nostril and massage outside of nose thoroughly with

salve. * * * Sores, Piles, etc.—Apply freely to affected parts"; (metal top) "For * * * Catarrh * * * Healing"; (retail carton) "Relieves Catarrh, Croup * * * Soothes * * * Piles, Sores, * * * Etc."; (circular) "* * * an effective direct external treatment for * * * Catarrh, Croup, etc., also for * * * Sores and certain forms of inflammation. * * * healing qualities * * * Croup And Coughs * * * Catarrh—Rub in well on the nose, temples, forehead and back of ears; and upon arising in the morning and before retiring cleanse the nasal passage with luke warm water containing a few grains of salt, then introduce the Salve with the small finger as far into the nostril as possible. Piles—Rub on externally and insert on medicated cotton or in a capsule, or without either of these in quantities from size of tip of your little finger or tip of your thumb, according to severity of the case. Use Mother's Salve for * * * Sores * * * etc. Apply freely to the troubled parts * * * For all forms of skin diseases, make a strong lather with hot water and Mother's Soap, and bathe freely and when dry anoint with Mother's Salve."

On May 18, 1935, and June 29, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24682. Misbranding of garlic tablets. U. S. v. 11 Boxes and 25 Boxes of Garlic Tablets. Default decrees of condemnation and destruction. (F. & D. nos. 34683, 34941. Sample nos. 21130–B, 29611–B.)

This case involved a product which was misbranded because of unwarranted curative and therapeutic claims in the labeling. The product was further misbranded since it was labeled to indicate that it contained appreciable amounts of minerals and vitamins, whereas it would not supply any appreciable amounts of minerals and vitamins in the dosage recommended.

On December 31, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 boxes of garlic tablets at Newark, N. J., On January 25, 1935, a libel was filed in the Middle District of Pennsylvania against 25 boxes of the product at Sayre, Pa. The libels alleged that the article had been shipped in interstate commerce from New York, N. Y., in part by D. Gosewisch, Inc., on or about September 27, 1934, and in part by the Genuine Garlic Tablets Corporation on or about January 2, 1935, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of sucrose, lactose, corn starch, and vegetable tissue having a garlic-like odor.

The article was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading: (Booklet) "Using garlic for its medicinal value is different from using garlic for food flavoring or eating the plant garlic. In the first place, when heat is applied to garlic in cooking, the minerals and vitamins are destroyed; likewise eating the plant garlic often times irritates the intestinal walls and kidneys because of the rough fibres and cellulose contained in the garlic plant. 'Garlic is rich in two valuable food chemicals—Allii Sulfide and Allii Isothiocynate, as well as vitamins A, B, C, with such body-building minerals as potassium, calcium, phosphorus, sulfur and iodine. I know of no disinfectant, deodorizer, germicide or purifier as powerful as garlic'." Misbranding was alleged for the further reason that the labeling of the product contained false and fraudulent representations that it was effective in the treatment of high blood pressure, rheumatism, arthritis, poor circulation, asthma, kidney trouble, pulmonary conditions such as chronic bronchitis, asthmatic tendencies, whooping cough, diphtheria, tuberculosis and other infectious diseases, intestinal disorders, dizziness, mucus dropping in the throat, sleeplessness, neurasthenia, nerve depletion and disorders of the nervous system, fatigue, diseases of old age, premature aging; that it possessed healing force and health-protecting and internal-antiseptic properties; that it was an anthelmintic, and was a vital food for children; and would normalize one's condition and regulate the activity of the bowels.

On April 17 and April 29, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24683. Adulteration of cascara sagrada bark. U. S. v. 549 Bags of Caseara Sagrada Bark. Default decree of condemnation and destruction. (F. & D. no. 34687. Sample no. 21145–B.)

This case involved a shipment of cascara sagrada bark which was moldy and dirty, and which contained fragments of rock.

On January 3, 1935, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 549 bags of cascara sagrada bark, at Norwich, N. Y., alleging that the article had been shipped in interstate commerce on or about August 27, 1934, by the Pickerings Cascara Co., from Montesano, Wash., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, or purity as determined by the test laid down in the said pharmacopoeia, and its own standard was not stated on the container.

On May 16, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24684. Misbranding of Prof. Joseph Blanchard's Eczema Lotion. U. S. v. 30 Large Bottles and 20 Small Bottles of Prof. Joseph Blanchard's Eczema Lotion. Decree of condemnation and destruction. (F. & D. no. 34115. Sample no. 10828–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims. It was also claimed for the article that it could be used on new-born babies as a safe, soothing, and penetrating lotion; whereas it contained ingredients that might be harmful when so used.

On November 3, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 large bottles and 20 small bottles of Prof. Joseph Blanchard's Eczema Lotion at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about March 20 and May 10, 1934, by Bauer & Black, from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Prepared by Prof. Joseph Blanchard, Chicago, Ill."

Analysis showed that the article consisted essentially of mercuric chloride (0.12 gram per 100 milliliters), a small proportion of borax and gum, alcohol, and water.

The article was alleged to be misbranded in that the following statement appearing on the carton was false and misleading: "This lotion is safe and can be used on new born babies it is soothing, penetrating and leaves no trace upon the skin." Misbranding was alleged for the further reason that certain statements appearing in the labeling regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective in the treatment of skin diseases, acne, pimples, ulcers, piles, psoriasis, and eczema including eczema simplex, eczema impetiginodes, and eczema rubrum.

On April 11, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24685. Misbranding of V. M. (VegeMueene) Tablets. U. S. v. 16 Bottles, et al., of V. M. Default decree of destruction. (F. & D. no. 35387. Sample nos. 29181–B, 29182–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On April 17, 1935, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 bottles of V. M. at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about February 21, 1935, by the Bio Vegetin Products, Inc., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "V. M. * * * V. M. Products 500–510 North Dearborn Chicago."

Analysis showed that the article consisted essentially of plant material including peanut hulls and seed coats, flax pods, flax stems, flax hulls, corn starch, and mucilaginous material.

The article was alleged to be misbranded in that certain statements in the labeling false and fraudulently represented it to be effective in the treatment of gastric and duodenal ulcer, gastric inflammation, hyperacidity, and irritable colon; effective to provide a protective coating for inflamed surfaces, to afford rapid and effective relief from pain and associated symptoms of peptic ulcer, effective in gastro-intestinal inflammations and border-line cases of hyperacidity; effective as a treatment for stomach ailments and ulcers; effective to supply a protective coating for ulcer wounds and other irritations and inflammations; effective to secure lasting, enduring benefits; effective to absorb excess hydrochloric and other free acids. as effective in the treatment of alcoholic stomachs following sprees; effective to relieve spasmodic pains; effective as a treatment for persistent nausea and vomiting, cramplike pains, gastric hemorrhage, pains in epigastrium, nonspecific ulcerative colitis, gastric disturbance, distress at night; and effective to produce increase in weight, induce better ingestion and assimilation, and cause increase in bile secretions.

On May 8, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24686. Misbranding of Baker's Cough Syrup. U. S. v. 69 Bottles of Baker's Cough Syrup. Default decree of condemnation and destruction. (F. & D. no. 35394. Sample no. 28948–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On April 18, 1935, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 bottles of Baker's Cough Syrup at Nashua, N. H., alleging that the article had been shipped in interstate commerce on or about February 21, 1935, by the Baker Extract Co., from Springfield, Mass., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of extracts of plant drugs such as white pine, sassafras, and wild cherry, tar, chloroform, alcohol, sugar, and water.

The article was alleged to be misbranded in that the following statements appearing in the labeling were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Bottle) "Relieves Coughs, Hoarseness, Influenza, Bronchitis, Croup, Whooping Cough and Inflamed Conditions of the Throat and Lungs"; (carton) "For the Relief of Coughs, Hoarseness, Croup and many Inflamed Conditions of the Throat. * * * Valuable in affections of the throat and for relieving obstinate coughs * * * It relieves the contraction of the throat muscles and has a soothing effect upon the inflamed membranes."

On May 22, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24687. Misbranding of Chlorine Respirine. U. S. v. 53 Dozen Packages of Chlorine Respirine. Default decree of condemnation and destruction. (F. & D. no. 35062. Sample no. 11896–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims. The labeling was further objectionable since the article was represented to contain available chlorine, whereas it contained no available chlorine.

On February 16, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 53 dozen packages of Chlorine Respirine at Denver, Colo., consigned by the Chlorine Respirine Co., Chicago, Ill., alleging that the article had been shipped in interstate commerce from the State of Illinois into the State of Colorado in various shipments between the dates of January 1 and March 12, 1925, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of calcium compounds incorporated in petrolatum, and that it contained no available chlorine.

The article was alleged to be misbranded in that the following statements in the labeling were false and misleading, since the article contained no available chlorine: (Carton) "Chlorine * * * Chlorine Respirine liberates

pure Chlorine gas"; (circular contained in some of the packages) "(Liberates free Chlorine) * * * containing chlorine gas * * * The Chlorine Products Company has been testing various means of producing chlorine for this treatment in a convenient and safe form so that everybody may have this treatment without going to hospitals or other expensive places where special equipment is used. We now offer to you Respirine in an ointment base which when applied as a cream to the entrance of each nostril will liberate the chlorine gas"; (tube label) "Liberates Free Chlorine." Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "Genuine Chlorine Treatment * * * the most effective agent for treating * * * bronchitis, laryngitis, whooping cough, influenza, etc., and other respiratory diseases in which the infection is on the surface of the mucous membrane"; (tube label) "Chlorine Treatment * * * Preventative After exposure to surface respiratory infections use 'Respirine' as a preventative"; (circular in some of the packages) "The 'chlorine' treatment for * * * bronchitis, whooping cough, influenza and all respiratory infections where the infective organism is on the surface of the mucous membrane. * * * The development of this gas treatment is an outcome of the late World War. During the war it was observed that employees in the chlorine departments of the chemical divisions were free from all of the above respiratory infections, and from these observations extensive experiments were carried on with remarkably beneficial and curative results. Veedor & Sawyer Jour. A. M. A. Vol. 82, pages 764–766, Mar. 8, 1924. Report 931 patients treated for respiratory infections and after one hour treatment with chlorine gas 665 cases were cured, 218 improved and only 48 showed no change. Government officials including the President and hundreds of government employees have been successfully treated by this modern method. * * * it will be breathed over the mucous membrane and into the lungs, thereby subjecting every infected membrane over which the air passes to the effects of this remedial and healing gaseous dilution. With Respirine the chlorine treatment * * * Colds and their complications are the cause of untold loss, suffering and death, hence it is very hard to over estimate the value of such beneficial remedial agent as Respirine, which will largely overcome such infectious conditions. The use of chlorine gas in the successful treatment of President Coolidge, Senators, Congressmen, Cabinet officers and hundreds of government employees in Washington, D. C., has so profoundly impressed the medical profession that its use is becoming general and universally accepted. * * * If you have a respiratory infection, i. e., cold, corysa, laryngitis, bronchitis, pharyngitis, whooping cough or influenza, use Respirine. * * * As A Preventative Agent Against Surface Respiratory Infections. * * * after attending the theatre, show, school or being in a crowded car or crowd of any kind. Also after you have been in the presence of persons afflicted with a cold or surface respiratory infection of any kind"; (circular in other packages) "It is also an effective treatment for bronchitis, whooping cough, and all respiratory ailments due to bacterial infections on the surface of the mucous membranes. * * * The fact that chlorine gas has been used in the successful treatment of President Coolidge, Senators, Congressmen, Cabinet Officials, and hundreds of government and army employees in Washington, is the highest testimony of the value of chlorine gas in treating respiratory infections, i. e., colds, coryza, laryngitis, bronchitis, whooping cough or pharyngitis."

On April 13, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24688. Misbranding of Ferond's Hair Grower and Tonic. U. S. v. 36 Dozen Jars of Ferond's Hair Grower and Tonic. Default decree of condemnation and destruction. (F. & D. no. 35123. Sample no. 28835–B.)

This case involved a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling.

On February 9, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 dozen jars of Ferond's Hair Grower and Tonic at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about January 18, 1934, by Sheray, Inc., from New York, N. Y., and charging misbranding in violation of the

Food and Drugs Act as amended. The article was labeled in part: "Jules Ferond Co. Inc. * * * New York."

Analysis showed that the article consisted essentially of petrolatum, salicylic acid, and a balsam, such as Peru balsam.

The article was alleged to be misbranded in that certain statements in the labeling falsely and fraudulently represented that it was effective as a hair grower and tonic; effective to give new life to the scalp, effective in the treatment for eczema, dandruff, and scalp diseases; as effective to prevent falling hair and prevent and cure baldness, and as effective to nourish the hair follicles, distend the scalp, and to destroy microbes and parasites.

On April 22, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24689. Misbranding of Dr. Grigg's Great Blood Tonic. U. S. v. 11 Bottles of Dr. Grigg's Great Blood Tonic. Default decree of condemnation and destruction. (F. & D. no. 35355. Sample no. 37018–B.)

This case involved a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling. The article was further misbranded because of failure to bear on the label an informative declaration of the alcohol content.

On April 12, 1935, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 bottles of Dr. Grigg's Great Blood Tonic at Spartanburg, S. C., alleging that the article had been shipped in interstate commerce on or about March 9, 1935, by R. D. Grigg, from Gainesville, Ga., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of extracts of plant drugs including a laxative drug, alcohol (3.15 percent), sugar, and water, preserved with a small proportion of a salicylate.

The article was alleged to be misbranded in that the packages failed to bear on the label a statement of the quantity or proportion of alcohol contained therein, since the statement, "not over 10% Alcohol", borne on the label, was not a statement of the actual proportion of alcohol present. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Bottle) "Great Blood Tonic Is one of the most powerful Blood purifiers and System Builders in the world for both men and women. It surpasses all other medicines by reason of a combination of new discoveries, making it the best medicine for the Blood and Nervous System, Liver, Kidney and Bladder Diseases * * * Dyspepsia, all forms of Stomach Troubles, Fluttering of the Heart, Palpitation or Skipping Beats, Pain in left side and under shoulder blade, Choking Sensation in Throat, Oppressed Feeling in Chest, Cold Hands and Feet, Dropsy, Swelling of Feet and Ankles, and all Female Irregularities, Suppressed Menstruation, Rheumatism in all its forms, and Skin Diseases. * * * It brings back new energy, new blood, new flesh, and new strength. A trial will convince anyone of its wonderful power. When You Don't Feel Well One of the best services which Dr. Grigg's Great Blood Tonic can render any family is in quickly relieving the little ills that so often lead to greater ones. * * * When you don't feel well, take a few doses until you feel better. Headache, Backache, Dullness, Weakness, Loss of Appetite, etc., often results from some temporary trouble. Dr. Grigg's Great Blood Tonic is always the quickest help to get over it. In Chronic Diseases Be Patient In chronic diseases which have been years in developing, a final cure takes time. A person may have been a half a lifetime in breaking down his health. He should not expect to have that damage all repaired at once. The right course in such cases is to continue Dr. Grigg's Great Blood Tonic until complete relief is affected. The time required differs in every case. It depends largely on how long the trouble has been neglected. Nearly all chronic diseases, under the best treatment, will improve for a time, and then have a few days of relapse. This is the common and natural course of diseases of long standing. This is explained here so that patients using Dr. Grigg's Great Blood Tonic will know that it is not unusual, and does not signify that the remedy has ceased to act. Continue the treatment and you will again improve. If any symptom of the trouble does not yield to Dr. Grigg's Great Blood Tonic, please write us, we will freely and fully give you any additional advice that is needed. * * * Great Blood Tonic."

On May 23, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24690. Misbranding of Blanton's Rheumatic Salve. U. S. v. 68 Jars of Blanton's Rheumatic Salve. Default decree of condemnation and destruction. (F. & D. no. 35368. Sample no. 32015–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On April 12, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 68 jars of Blanton's Rheumatic Salve at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 27, 1934, by the Four Star Manufacturing Co., Inc., from Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of a mixture of petrolatum and a fat in which was incorporated a small proportion of methyl salicylate.

The article was alleged to be misbranded in that the following statements appearing on the label, regarding its curative or therapeutic effects, were false and fraudulent: "Rheumatic Salve * * * For Rheumatism Coughs * * * Pneumonia, Sore Joints, Swollen Muscles and Catarrh."

On May 24, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24691. Misbranding of Hart's Swedish Asthma and Hay Fever Medicine. U. S. v. 51 Bottles, et al., of Hart's Swedish Asthma and Hay Fever Medicine. Default decrees of condemnation and destruction. (F. & D. nos. 35395, 35602, 35603. Sample nos. 15448–B, 15901–B, 15902–B.)

These cases involved a drug preparation which was misbranded because of unwarranted curative and therapeutic claims appearing in the labeling. The product was further misbranded, since it was labeled to indicate that it was safe; whereas it was not safe, but was dangerous when taken in the doses recommended.

On May 24 and June 4, 1935, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 73 large bottles, 81 medium bottles, and 101 small bottles of Hart's Swedish Asthma and Hay Fever Medicine at Los Angeles, Calif., consigned by Hart's Swedish Asthma Medicine Co., alleging that the article had been shipped in interstate commerce between the dates of June 13, 1934, and February 13, 1935, from Buffalo, N. Y., into the State of California, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of potassium iodide dissolved in a mixture of water and glycerin flavored with cinnamon oil; potassium iodide (approximately 12 grams per 100 milliliters).

The article was alleged to be misbranded in that certain statements on the wrapper, bottle label, and in the circular, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective as a preventive, treatment, and cure for asthma, hay fever, bronchial trouble, and bad cough, and that it could be administered indefinitely to the weakest stomach without causing any disturbance. Misbranding was alleged for the further reason that the following statements appearing in the labeling were false and misleading, since they represented that the article when taken in the doses recommended was safe; whereas it was not safe, but was dangerous when taken in the doses recommended: (Bottle label and wrapper) "Directions. Adults. One teaspoonful in quarter of glass of water, after each meal, in severe cases on retiring. Children. Under twelve. Three quarters of teaspoonful in quarter glass of water, after each meal. Notice Do not wait until you have a spasmodic attack to take this medicine; it is to keep you from having those spasmodic attacks. This medicine contains no opiates of any kind, such as Morphine, Cocaine, Opium, etc. We use none of these dangerous drugs in the manufacture of our medicine."

On June 21, June 28, and July 3, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24692. Misbranding of A. I. R. (Asthma-Instant-Relief). U. S. v. 297 Bottles of A. I. R. Default decree of condemnation and destruction. (F. & D. no. 35375. Sample no. 24520–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On April 15, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 297 bottles of A. I. R. (Asthma-Instant-Relief) at Atlantic City, N. J., alleging that the article had been shipped in interstate commerce on or about December 27 and December 29, 1934, and March 15, 1935, by the Health Pharmaceutical, Inc., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of a petroleum oil, a small proportion of methyl salicylate, water (51.8 percent), and an emulsifying agent.

The article was alleged to be misbranded in that certain statements appearing in the labeling falsely and fraudulently represented that it was effective in the treatment of asthma, hay fever, croup, bronchitis; and effective in the treatment of catarrhal bronchitis and other similar conditions.

On June 12, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24693. Misbranding of Fowlerine. U. S. v. 22 Bottles, et al., of Fowlerine. Default decrees of condemnation and destruction. (F. & D. nos. 35425, 35463, 35515. Sample nos. 28093–B, 28206–B, 28211–B.)

These cases involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On April 27, May 4, and May 17, 1935, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 70 bottles of Fowlerine at St. Louis, Mo., alleging that the article had been shipped in interstate commerce in various shipments between the dates of April 15 and May 11, 1935, by the Fowler Medicine & Chemical Co., from Memphis, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of a sulphurated oil, turpentine oil, and methyl salicylate.

The article was alleged to be misbranded in that the following statements appearing in the labeling were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Bottle label) "For Kidney Bladder and Rheumatic Trouble"; (carton) "For Kidney Bladder and Rheumatic Trouble For The Kidneys. We recommend that women try it for periodical cramp or suppressions. Women can use in any condition without fear of evil results. Kidney Trouble Kidney Trouble brings on rheumatism, Bright's Disease, Diabetes, Dropsey, Heart Failure and other fatal ailments. Nearly every human being suffers from Kidney Trouble in its first stages. If you are suffering from Kidney or Bladder disorders, Rheumatism, Nervousness, indigestion, take Fowlerine. * * * We have received, and are yet receiving, thousands of letters from users of Fowlerine, who testify to its wonderful therapeutic effect in not only relieving, but totally eliminating the sordid conditions that come from disorders of the kidneys, stomach or generative organs. * * * Take 35 drops for cramp or colic, then drink a cup of hot water."

On June 5 and June 8, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24694. Adulteration of tincture of squill. U. S. v. 2 Bottles and 4 Bottles of Tincture of Squill. Default decree of condemnation and destruction. (F. & D. no. 35436. Sample no. 22679–B.)

This case involved an interstate shipment of tincture of squill that had a potency of about one-fourth of that required by the United States Pharmacopoeia.

On April 26, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six bottles of

tincture of squill at New Orleans, La., alleging that the article had been shipped in interstate commerce in various shipments on or about March 27, 28, and 30, 1934, by the Southwestern Drug Corporation, from Houston, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength as determined by the test laid down in that authority, and its own standard was not stated on the container.

On May 21, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24695. Adulteration and misbranding of aconite and bryonia compound. U. S. v. 14,700 Tablets of Aconite and Bryonia Compound No. 1. Default decree of condemnation and destruction. (F. & D. no. 35456. Sample nos. 18999–B, 19487–B.)

This case involved a drug preparation which was adulterated and misbranded, since it was represented to contain appreciable amounts of aconite and belladonna, whereas it was practically devoid of aconite and belladonna activity.

On May 8, 1935, the Unitad States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14,700 tablets of aconite and bryonia compound No. 1 at Dayton, Ohio, alleging that the article had been shipped in interstate commerce on or about January 31, 1935, by the C. M. Bundy Co., from Indianapolis, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Tablet Aconite and Bryonia Compound No. 1 * * * Tinct. Aconite Root 7.10 min. * * * Tinct. Belladonna lvs 3.20 min."

Misbranding was alleged for the reason that the above-quoted statements appearing in the labeling were false and misleading.

On June 11, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24696. Misbranding of ichthyol ointment. U. S. v. 141 Tubes of Ichthyol Ointment. Default decree of condemnation and destruction. (F. & D. no. 35402. Sample no. 24300–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On April 22, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 141 tubes of ichthyol ointment at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about March 29, 1935, by the Petroline Laboratories, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of sulphonated bitumen incorporated in petrolatum.

The article was alleged to be misbranded in that the following statements appearing on the carton label, "Ichthyol Ointment * * * Ichthyol is highly recommended for Eczema, Acne, Boils, Carbuncles, * * * Etc.", were statements regarding the curative or therapeutic effects of the article and were false and fraudulent.

On May 18, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24697. Adulteration and misbranding of fluidextract of belladonna leaves. U. S. v. 7 Pints and 2 Pints of Fluidextract Belladonna Leaves. Decrees of condemnation and destruction. (F. & D. nos. 35542, 35543. Sample nos. 28209–B, 35152–B.)

These cases involved interstate shipments of fluidextract of belladonna leaves which contained total alkaloids in excess of the maximum specified by the United States Pharmacopoeia.

On May 23, 1935, the United States attorneys for the Eastern District of Missouri and the Southern District of Indiana, acting upon reports by the

Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of seven pint bottles of fluidextract of belladonna at St. Louis, Mo., and two pint bottles of the same product at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about April 15 and April 17, 1935, by Allaire, Woodward & Co., from Peoria, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength or quality as determined by the test laid down in that authority, since it yielded per 100 cubic centimeters 0.45 gram of alkaloids, which represented about 33 percent more alkaloids than the maximum specified in the United States Pharmacopoeia, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "Fluid Extract Belladonna Leaves U. S. P.", was false and misleading.

On June 14 and August 13, 1935, no claimant appearing, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24698. Adulteration and misbranding of solution epinephrine chloride. U. S. v. 61 Ampoules of Solution Epinephrine Chloride. Default decrees of condemnation and destruction. (F. & D. no. 35586. Sample no. 26262–B.)

This case involved an interstate shipment of solution epinephrine chloride which was found to have a potency of about one-half of that declared on the label.

On June 3, 1935, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 61 ampoules of solution epinephrine chloride at Soda Springs, Idaho, alleging that the article had been shipped in interstate commerce on or about September 28, 1934, by the E. S. Miller Laboratories, Inc., from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Solution Epinephrin Chloride * * * (1:1000)."

Misbranding was alleged for the reason that the statement on the label, "Solution Epinephrin Chloride * * * (1:1000)", was false and misleading, since the article had a potency of but one-half of that stated on the label.

On June 28, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24699. Misbranding of Aimotone. U. S. v. 19 Bottles of Aimotone. Default decree of condemnation and destruction. (F. & D. no. 35525. Sample no. 35680–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On May 25, 1935, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 bottles of Aimotone at Las Vegas, N. Mex., alleging that the article had been shipped in interstate commerce on or about April 6, 1935, by the Aimotone Chemical Co., from Colorado Springs, Colo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of extracts of plant products including a laxative drug, powdered plant material, alcohol, and water.

The article was alleged to be misbranded in that certain statements in the labeling falsely and fraudulently represented that it was effective as a cleanser, blood purifier, and general tonic; effective in the treatment of sluggish liver; effective to rejuvenate the blood, nerves, and glands; effective to improve stomach action; and effective to correct inharmony in the blood from alkalinity or acidity and other causes; effective to eliminate congestion of the blood; and effective to prevent the principal cause of diseases.

On June 28, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

24700. Misbranding of Nuxaphen. U. S. v. 36 Bottles of Nuxaphen. Default decree of condemnation and destruction. (F. & D. no. 35443. Sample no. 6011–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims. The labeling was further objectionable since the article contained a smaller percentage of alcohol than declared.

On May 2, 1935, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 bottles of Nuxaphen at Charleston, S. C., alleging that the article had been shipped in interstate commerce on or about October 27, 1934, by the Scott Drug Co., from Charlotte, N. C., and charging misbranding in violation of the Food and Drugs Act.

Analysis showed that the article consisted essentially of calcium, manganese and magnesium glycerophosphates, extracts of plant drugs including nux vomica, alcohol (8.8 percent), sugar, and water.

The article was alleged to be misbranded in that the statement on the label, "Alcohol 30%", was false and misleading, since the article contained but 8.8 percent of alcohol. Misbranding was alleged for the further reason that certain statements appearing on the bottle label and in a circular shipped with the article falsely and fraudulently represented that it was effective as a reconstructive tonic, and revitalizer; effective as a valuable remedy for lowered vitality, loss of appetite, loss of energy, mental depression, and lack of vital force; effective to invigorate and strengthen run-down nervous women and weak worn-out men; effective to give rich red blood and help the entire system, put color in the cheeks and new strength in the muscles, improve digestion, rid one of digestive trouble, produce good healthy flesh, overcome underweight, bring normal weight, improve the constitution, blood, and organs, make one peppy, energetic, filled with vitality, and free from nervousness. and effective for nausea and sick stomach.

On June 14, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

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U. S. GOVERNMENT PRINTING OFFICE: 1936